● 642, 728, 177, 565

✕ Syria	MD1
Israel	MF1
Jordan	MG1
Iraq	MH1
Lebanon	ME1

/For an account of the political regime, social stratification, and Westernizing of administration under the British and French Mandates following the First World War, see 66: Bonné, M1 Middle East, category 116, pp. 88-101./

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threatened by the avarice of his superiors, the encroachment of his equals and the insubordination of his vassals. The size of domains and the fortunes of noble families were always changing. A certain stability was, however, given to the system by the practice of turning lands into religious trusts (Waqfs) for religious or charitable objects. Families which were the custodians of such trusts, which benefited from them in other ways, or which by tradition filled important religious positions, had a better chance of retaining their wealth and influence than those which had become rich and powerful through tax-farming.

At the bottom of the feudal structure were the cultivators, who were serfs of their immediate lords, owing them a variety of feudal dues and oppressed by them. The usual practice was for a village to hold and cultivate its land in common; small individual holdings were the exception.

9

Sometimes the local dynasts were adventurers, ruling by the sword alone and without any support from local tradition. But often their rule was firmly based upon local sentiment and loyalty: a localism which was reinforced by tribalism and, in those districts in which compact religious minorities were settled, by sectarianism. This was especially so in Lebanon; but over the whole country it is true to say that the local community was the real political and social unit. There was no effective consciousness of an Arab nation, and 'Syria' was no more than a geographical expression; nor was there any sense of responsibility for the Government, which was generally regarded as essentially hostile, an instrument of oppression.

Side by side with the life of the countryside, there went on the distinctive life of the Syrian towns. The immemorial stopping-places on the trade-routes—the ports, the bazaar-towns and the caravan-towns—kept something of their greatness in the Ottoman period. There was still a lively transit-trade; Syrian wheat and fruit still went to Egypt, cottons and silks to Europe. The town-populations were Arabic in language, and their ways were deeply influenced by Arab customs; but their social structure differed from that of the countryside, and was determined by their peculiar economic function. They were naturally more open to influences

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they were attached and not as members of the High Commissioner's staff. These Governments had legislative as well as executive powers, subject to the control of the High Commissioner and his Delegates, and within limits of the 'conseillers': a control which at times deprived the Governments of almost all freedom of action.

That the Mandatory Power decided to establish several indigenous Governments instead of one for the whole territory was officially explained as being due to the separatist feelings of various sections of the population and their different levels of development. The first of them to be set up was the State of Greater Lebanon, which was created in August, 1920, by the addition to the pre-war autonomous Sanjaq of the towns and surrounding districts of Beirut, Tripoli, Sur and Saida; the wheat-producing regions of Baalbek and the Biqa'; and the districts of Rashaya and Hasbaya, stretching southwards from the foot of Mount Hermon to the Palestinian frontier. Its independence was proclaimed in September, 1920. In the same month, the Territory of the Alawis was established in the region around Latakia. It was given the name of 'State' in July, 1922. In April, 1922, the independence of Jebel Druze was proclaimed, in consequence of an agreement for the establishment of a Druze national Government, signed in March, 1921, by a number of Druze notables and a representative of the High Commissioner. The remainder of Syria had been divided after the expulsion of Faisal into the two States of Aleppo and Damascus, created in September, 1920. Within the State of Aleppo, the Sanjaq of Alexandretta was given a special régime, in accordance with the Franklin-Bouillon Agreement. Legislatively the Sanjaq formed part of the State, but administratively it possessed a large degree of autonomy, it had a special budget, and Turkish was recognized as an official language side by side with French and Arabic.

This organization was intended to be provisional only. Although in the first instance the personnel of the Governments was appointed by the High Commissioner and many of the most important posts were filled by French officers and officials, it was anticipated that self-governing institutions would be established as soon as possible, and that some permanent and regular system of co-operation between the governments would be created. In 1922, a Representative Council was established in Lebanon. In June of that year a

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further step was taken with the creation of a Syrian Federation which included the States of Damascus, Aleppo and the Alawis, but not those of Greater Lebanon and Jebel Druze. The Federation was given wide legislative powers, exercised through a Federal Council composed of delegations elected by the Representative Councils which were established in the member-states. At its first meeting the Council elected as its President Subhi Barakat, an Antiochene of Turkish origin.

The Federation did not work satisfactorily. The States of Damascus and Aleppo desired a closer form of union, and certain elements in that of the Alawis one less close. In December, 1924, General Weygand, who had succeeded General Gouraud as High Commissioner in April, 1923, dissolved the Federation. As from January, 1925, the two States of Damascus and Aleppo were combined into a single State of Syria, of which the capital was Damascus and within which the Sanjaq of Alexandretta continued to possess a special régime. The State of the Alawis resumed its separate existence without any direct connexion with the new Syrian State.

Thus from the beginning of 1925 onwards the Mandated Territories were divided into four different political units: the State of Greater Lebanon, known later as the Lebanese Republic; the State of Syria, later called the Syrian Republic and including the partly-autonomous Sanjaq of Alexandretta; the State of the Alawis, known from 1930 as the Government of Latakia; and the Government of Jebel Druze. This organization continued unchanged until 1936, when Latakia and Jebel Druze were formally annexed to Syria; in 1939 they were again given almost complete autonomy, but in 1942 were once more attached to the Syrian State.

The judicial system was complex and not altogether satisfactory. Many although by no means all matters of personal status—for example, marriage and divorce—continued to be subject to the jurisdiction of the tribunals of the religious communities. All other matters were subject to the jurisdiction of the civil courts, administering a system of law based partly upon Islamic jurisprudence and partly upon modern European codes. In cases in which only citizens of the Mandated Territories were concerned, the personnel of the courts was almost wholly indigenous. But cases involving citizens of foreign States or their interests were taken before the 'mixed

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courts', of which the personnel was partly French and only partly indigenous; this system replaced that of the 'capitulations' which had existed in the Ottoman Empire and of which the operation was suspended so long as the Mandate should continue.

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The declarations of Syrian and Lebanese independence in 1941 have been gradually followed by a partial extension of self-government. Although the Mandate has not yet been formally extinguished, strict Mandatory control no longer exists. During the years from 1918 to 1941, during which France exercised this control, her efforts were attended with some success, but in general met with failure.

Briefly stated, the achievement of France was to bring into existence in Syria and Lebanon some of the essential conditions which would make possible the transition from a medieval to a modern society. Law and order were firmly established, even in backward regions where civil government existed scarcely or not at all in Turkish days. The improvements which were effected in the system of communications assisted this process. Good trunk-roads now link the main towns, and subsidiary roads have opened up the countryside to motor-traffic. These and other improvements have served not only to increase the efficiency of government but also to diminish local differences and prejudices.

The system of public finance was reduced to some sort of order. It was placed on a comparatively reasonable basis, although there are still serious flaws, as for example the regressive incidence of taxation. On the whole budgets balanced; and after the share of the French Mandated Territories in the Ottoman Debt was paid off in 1933 they had no public debt at all.

The improvements in public order and administration made possible an extension in the area of cultivation. The nomads were no longer allowed to raid the settled land, and were being gradually induced to become peasants. Some of the areas which they formerly dominated were thus opened up to agriculture; this was especially marked in the Syrian Jazirah.

For the first time for many centuries, the religious minorities were treated on a level of full equality with the Sunni Moslems in all official matters, judicial and administrative alike. (Some

665 was supported by several groups which preserved something of their individuality inside the alliance. The most important of them was the 'Istiqeal' group, descended from one of the secret societies of the years before 1914. It advocated the complete independence of the Arab countries and tended to be more uncompromising than the other constituent elements of the Bloc. Its leader was Shukri al-Quwatli. Among its other prominent members were Nabih al-Azmah, the Amir Adil Arslan, and Riyadh as-Sulh, perhaps the most important Arab nationalist leader in Lebanon.

646 One of the most prominent of the members of the Bloc,
642 Hashim al-Atasi, was elected President of the Assembly when it met in Damascus in June, 1928; while Ibrahim Hananu became President of the Commission set up to draft the Constitution. The Commission completed its work by August,
642 and laid its draft before the Assembly. The Constitution which it had drawn up was modelled on those of Western democratic countries, and provided for the exercise of legislative powers by a single Chamber elected by universal suffrage, and of executive powers by an elected President and a responsible Ministry. In addition it contained guarantees for the rights of individuals and communities. Thus Article 6 stipulated that all Syrians should be equal before the law, and there should be no inequality of treatment on grounds of religion, sect, race or language. Article 15 guaranteed liberty of conscience, the free exercise of all forms of worship, and the safeguarding of the religious interests and personal status of every sect. Article 28 guaranteed the rights of the religious communities, including their right to establish schools, teaching in their own language, subject to the principles laid down by law; and Article 37 declared that the electoral law to be issued subsequently would provide for the representation of religious minorities. (This provision was carried out. Each Parliament elected since 1930 has contained a number of representatives of the minorities, roughly proportionate to their size.)

648 In general the draft was acceptable to the High Com-
642 missioner, but there were certain articles to the inclusion of which he objected. Thus Article 2 declared that the Syrian territories detached from the Ottoman Empire constituted an indivisible political unity, which was unaffected by the divisions which had arisen between the end of the war and the

present time. This was a denial of the separate existence of Jebel Druze, the Alawi district, the Lebanese Republic, Palestine and Transjordan; and M. Ponsot judged it to be irreconcilable both with France's international obligations and with the existing situation in fact and in law. Again, four other Articles asserted the right of the President of the Republic to grant pardons, conclude treaties, appoint representatives abroad and proclaim martial law (73, 74, 75 and 112); and Article 110 declared that the organization of the army would form the subject of a special law. These five Articles also the High Commissioner thought to be incompatible with the obligations of France. He therefore asked that the Articles concerned should be separated from the general body of the draft. The Assembly refused, and M. Ponsot thereupon adjourned it for three months in August, 1928, and for a further three in November. He made an alternative suggestion, that the Assembly should modify the wording of Article 2 and should retain the other offending articles but add to the draft a general reservation safeguarding France's international obligations. This also proved abortive, since he and the Assembly could not agree upon a text for the reservation.

In February, 1929, the work of the Assembly was prorogued *sine die*. During this period and throughout 1929 the split between the National Bloc and 'moderates' grew ever wider. The former, while remaining tranquil, demanded the negotiation of a Treaty to replace the Mandate; the latter continued to advocate a policy of co-operation with France, and attempted without much success to form an effective political organization. The High Commissioner found it impossible to reach an agreement with the nationalists on the constitutional question, while the 'moderates' were too weak and divided for their support to be of value to him; he therefore felt himself bound to give up the attempt to entrust to the Syrian people the responsibility for the elaboration of their own constitution. Accordingly he dissolved the Constituent Assembly in May, 1930, and on his own initiative issued a Constitution for the State of Syria. It was to come into force after the election of the members of a Chamber of Deputies, at a date to be fixed by the High Commissioner.

This Constitution was virtually the same as that drafted by the Assembly, except for such changes as were necessary to

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642 enable the Mandatory Power to carry out its obligations
648 under the Covenant. Thus Article 2 was modified, and stated merely that 'Syria forms an indivisible political unity'; and an additional article (116) was added to the effect that 'the provisions of the present Constitution are not, and cannot be, in opposition to the obligations undertaken by France in regard to Syria, particularly obligations towards the League of Nations. . . . So long as the international obligations of France in regard to Syria remain in force, any provisions of the present Constitution which are of a nature to affect those obligations will be applicable only under conditions to be determined by agreement between the French and Syrian Governments'.

Simultaneously a number of other decrees were promulgated. In addition to the Organic Laws for the Governments of Latakia and Jebel Druze, already mentioned, they included laws for the Sanjaq of Alexandretta, and for a Conference of Common Interests composed of Delegations from the States and Governments, and charged with the management of their common financial and economic affairs.[1]

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646 The elections for the Chamber of Deputies took place in January, 1932, and the Chamber met in June. More than three-quarters of its members were 'moderates'. Only a quarter were 'extreme' nationalists demanding full and immediate independence; but as had happened in the Constituent Assembly, the minority soon showed itself to be the dominant element. Its hopes were raised and its case strengthened by the recent conclusion of an Anglo-Iraqi Treaty, the termination of the Mandate and the admission of Iraq into the League of Nations (1930-1932).

643 The first task of the Chamber was to choose the President
645 of the Republic. It elected Muhammad Ali al-Abid, son of
646 Izzat Pasha al-Abid who had been secretary to the Sultan Abdul-Hamid II. He entrusted the construction of a Cabinet to a prominent moderate, Haqqi al-Azm, who formed a Ministry of which half the members were 'moderates' and half 'extreme' nationalists. Negotiations were opened between the Ministry and the High Commissioner for the conclusion of a Franco-Syrian Treaty.

[1] For texts of these documents, see Dareste, *Les Constitutions Modernes*, V, pp. 676–98.

631 National Bloc, Mazhar Raslan as Governor of Latakia and Nasib al-Bakri as Governor of Jebel Druze.

648 642 Although the Treaty had not yet been ratified by the French Parliament, it was agreed that the transitional period should be regarded as starting on January 1st, 1937. A beginning was made with the transfer to the Syrian Government of functions hitherto exercised by the French authorities. The Government was given the right freely to prepare and carry out its budget, and a certain control over the police; in principle the High Commissioner ceased to exercise his right to veto legislation, and the 'conseillers' to control ministerial acts. But the Mandatory Power still retained the conduct of foreign relations, the ultimate responsibility for public order and certain administrative services such as the supervision of the Beduin tribes.

665 186 These events seemed to show that the policy of the Bloc was successful. It was still united; it had an overwhelming majority in the Chamber; its adherents filled the offices of the Government; it commanded a large measure of support in the country, especially among the younger generation.

Opposition to the Bloc existed, but it was so far largely inarticulate and undirected. It consisted of a handful of Deputies; of some extreme Arab nationalist organizations, which refused to recognize the Mandate and regarded co-operation with the French as treason; and of the separatist movements among the Alawis and Druzes and in the Jazirah.

The hopes of Syrian independence reached their climax in the celebrations which marked the return to Syria of the newly-amnestied exiles, Dr. Shahbandar and Sultan al-Atrash in May, 1937, the Amir Shakib Arslan and Ihsan al-Jabiri in June. It seemed as if the country were entering upon a new period of national construction under leaders whose patriotic energy had only been strengthened by disappointment, imprisonment, and long years of exile.

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648 The next two years saw the collapse of these hopes. The claims of Turkey to Alexandretta, the growth of separatist movements, the failure of the French Government to secure the ratification of the Treaty, the unrest caused by the disturbances in Palestine, the administrative failure of the Nationalist Government and finally the growth of an internal

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suspension of the Constitution and the complete breakdown of the policy of 1936.

II

The Bloc was the more incapable of weathering such a crisis, because by now there had appeared a strong nationalist opposition to it. Already in 1936 such a potential opposition had existed ready to take shape so soon as, on the one hand, the Bloc disappointed hopes, and on the other an alternative leader or group of leaders appeared. At the time neither of the two conditions was fulfilled. The Bloc was at the height of its success; and the few Deputies who opposed it were neither prominent nor strong enough to become popular leaders.

During the next few years, however, matters changed. The Bloc gradually lost a great part of its popularity, on account of its failure to secure the ratification of the Treaty and its impotence in the face of Turkish designs upon Alexandretta. The natural tendency of Governments in office to disappoint individual hopes and create individual grievances worked in the same direction.

The discontent was increased by the comparative failure of the Government in internal administration. Among the causes of failure were the inadequate powers of the Government, the widespread belief that it did not enjoy the backing of the French authorities, its own lack of experience and the absence of an efficient civil service; but it was nevertheless discouraging to its supporters and irritating to ordinary citizens. On the whole the departments were no better administered than they had been; and there was a succession of petty acts of discrimination against members of minorities. The relations between the central and local authorities were often difficult, the tendency to excessive centralization conflicting with the innate localism of some of the provinces. This conflict had indeed existed before the nationalists came to power, and in order to end it, the High Commissioner had issued a decree on provincial organization in January, 1936. Besides altering the number and boundaries of the provinces, this decree had defined the scope of the central and local authorities and provided for the establishment of provincial councils. In spite of declarations, this decree was never fully applied.

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In addition to Great Britain, the independence of Syria and Lebanon was recognized by a number of the Allied Governments in exile. That of Syria, but not of Lebanon, was recognized by Sa'udi Arabia; while Egypt recognized the independence of the Syrian State but not its present form of government. The other Arab Governments, however, withheld their recognition, preferring to make no move until the form of independence should acquire reality through the re-establishment of constitutional government. Turkey, too, gave no recognition, not having official relations with the Free French. Most important of all, the United States Government maintained a reserved attitude. Mr. Cordell Hull, in a statement issued on November 29th, 1941, stressed the sympathy which the American Government and people had always felt for the 'natural and legitimate aspirations of the peoples of Syria and Lebanon'. The convention of 1924, in which the U.S. Government gave its consent to the Mandate, clearly embodied the principle of Syrian and Lebanese independence. It must be regarded as continuing in effect until new instruments of a mutually satisfactory nature could be negotiated and ratified. The U.S. Government was hopeful that as soon as international conditions permitted such negotiations would take place, enabling the Government to extend formal recognition to Syria and Lebanon.[1] In October, 1942, Mr. George Wadsworth was appointed U.S. Consul-General and Diplomatic Agent to the Syrian and Lebanese Governments.

13

In spite of the declarations of independence, the French authorities showed no eagerness either to restore constitutional life or to transfer powers to the Syrian and Lebanese Governments. In August, 1942, indeed, General de Gaulle stated categorically in a speech made during his visit to the Levant that elections could not yet be held. The only progress made was the issue in February, 1942, of decrees once more incorporating Jebel Druze and the Alawi district in the Syrian State, while at the same time endowing them with special administrative and financial régimes similar to those which had existed from 1936 to 1939.[2] Apart from this, the only political events of the years were changes of Ministries. In

[1] For text, see P. W. Ireland (ed.), *The Near East, Problems and Prospects* (Chicago, 1942), p. 296. [2] See Chapter XI.

722 been for the large programme of public works undertaken by the Ninth Army; they include the construction of a railway line between Haifa and Tripoli, the building of roads and the execution of schemes of irrigation.

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648 After long hesitation, the Free French at last decided to
642 restore constitutional government. This step was made easier in Syria by the death of Shaikh Taj in January, 1943. A few days later M. Helleu, who was deputizing for General Catroux, absent in North Africa, announced that the General would authorize the re-establishment of the Constitution on his return to the Levant. In March, 1943, provisional Governments were established in both Syria and Lebanon in order to make the necessary arrangements for the elections; that in Syria was headed by Ata al-Ayyubi, that in Lebanon by Dr. Ayyub Tabit.

666 In Syria the arrangements were soon completed. It was
646 decided that the Chamber should consist of 124 deputies,
665 including a number of representatives of the minorities; and that the elections for it should be held in two stages. The primary elections were held on July 10th-11th, the secondary on July 26th. They resulted in an overwhelming majority for the National Bloc. The victory of the Bloc was more complete in Damascus than in Aleppo, where there was a split in the nationalist ranks.

643 On August 17th, 1943, the new Chamber met and elected
645 Shukri al-Quwatli President of the Republic and Faris al-Khuri President of the Chamber. A few days later a new Ministry took office, drawn almost wholly from the Bloc. It was constituted as follows:

Prime Minister	Saadullah al-Jabiri.
Minister for Foreign Affairs	Jamil Mardam Bey.
Minister of the Interior ..	Lutfi al-Haffar.
Minister of Finance ..	Khalid al-Azm.
Minister of Defence and Public Instruction ..	Nasuhi al-Bukhari.
Minister of Public Works and Supplies	Mazhar Raslan.
Minister of Justice ..	Abdur-Rahman al-Kayyali.
Minister of Agriculture and Commerce ..	Tawfiq Shamiyyah.

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CONSTITUTIONAL DEVELOPMENT IN SYRIA

With Emphasis on the Constitution of 1950

Majid Khadduri

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SYRIA HAS experienced a number of constitutional vicissitudes since its separation from the Ottoman Empire after World War I. A monarchy for a short period under Faysal, it then passed, against its will, into the position of a mandated territory under French administration. Another eight years elapsed before the struggle between the Mandatory and the Syrian nationalists was sufficiently resolved to permit the formulation of a constitution even remotely agreeable to both parties, and never during the period of the mandate was any constitution consistently in full force. This record might be attributed to the conflict between an unbending French colonial policy and an equally uncompromising Syrian nationalism, but after Syria attained its independence in 1945–46, it still experienced a series of coups and counter-coups. Finally, a completely revised consti-

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tution was drafted and promulgated in September 1950 with high hopes that it might prove to be the panacea for all of the country's ills.

This process, however, should not be regarded as evidence of inherent insecurity in Syria's political life, but rather as a transitory stage in its constitutional evolution. In it can be seen the gradual ironing out of doubts and conflicts over the nature of the Syrian state, the proper functions of its government, and its relations with the outside world, social and economic as well as political. Syria has freed itself too recently from foreign influence for it to have adjusted fully to both national and international circumstances.

FROM A NATIONAL MONARCHY TO A MANDATORY ADMINISTRATION

Amir Faysal, at the head of an Arab army, entered Damascus in October 1918 with the avowed intention of establishing an Arab government. But before he had time to organize a constitutional regime, he was caught up in the larger issue of the peace settlement regarding the whole Arab world. The Syrians, too impatient to wait for the final decisions of the Peace Conference and suspicious of what these decisions would be, called a Syrian Congress representing "Greater Syria" (including Lebanon and Palestine), on the basis of the old Ottoman Electoral Law.[1] This Congress, functioning as both Legislative Assembly and National Convention, considered all matters related to national and foreign policy as well as the drafting of a constitution. It held three main sessions between June 3, 1919, and July 19, 1920. It prepared, during its last session, a draft constitution of 148 articles which, though no formal final vote was taken, had been accepted in principle.[2] The Congress was still considering the second reading when the crisis with the French authorities

[1] Elections were actually held only in the interior of Syria; the deputies from Lebanon and Palestine, owing to the objection of the French and British military authorities to the elections, were chosen on the basis of petitions signed by voters in support of their candidates. See Philippe David, *Un Gouvernement Arabe à Damas: Le Congrès Syrien* (Paris, 1923), pp. 51–63.

[2] Cf. Philippe David, *op. cit.*, p. 107.

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developed and it adjourned on July 19, 1920, never to meet again.[6]

The Constitution of 1920 provided for a limited monarchy, a bicameral legislature, and a responsible ministry: provisions for the structure of the central government followed the normal pattern of West-European constitutional monarchies. Syria was to be an indivisible political unit, but its boundaries were left undefined. The Syrian Government was to be an Arab Government, its capital Damascus, and its religion Islam. The Constitution included a Bill of Rights guaranteeing civil liberties and freedom of thought and of religion. The monarchy was to be vested in the Hashimi family, with Faysal the first king. Both the Senate and the Chamber of Deputies were to be elected bodies; the deputies by secret ballot in two degrees, and the Senators by the Chamber of Deputies of each province. The administration of the country was to be on a "decentralized" basis: each province was to have its own local administration with a single legislative body called the Chamber of Deputies. The judiciary was to be independent, with a High Court appointed by the King as the supreme judicial organ.[4]

The work of the Syrian Congress was cut short by French action. At a meeting of the San Remo Conference on April 24, 1920, the mandate over Syria and Lebanon was given to France. On July 14 General Gouraud sent an ultimatum to Faysal demanding, *inter alia*, the acceptance of the French mandate and dismissal of the Syrian national army.[5] Faysal's reply, accepting the terms of the ultimatum, was sent a few hours before the expiration of the time limit but did not arrive in time.[6] French troops at once proceeded to establish their authority. Faysal's

[3] On the work of the Syrian Congress, see Philippe David, *op. cit.*, Chapters 6 and 8; Amin Sa'id, *Al-thawra al-arabiyyah al-kubra* [*The Great Arab Revolt*] (Cairo, 1934), Vol. II, pp. 18–23, 130–32; Sati' al-Husri, *Yawm Maysalun* [*The Day of Maysalun*] (Beirut, 1947), pp. 245–60.

[4] For text of the Constitution, see Appendix to Philippe David, *op. cit.*, pp. 135–53.

[5] For the text of the ultimatum and the events leading to it, see Sati' al-Husri, *op. cit.*, pp. 96ff.; George Antonius, *The Arab Awakening* (London, 1938), pp. 306–309; J. de V. Loder, *The Truth about Mesopotamia, Palestine, and Syria* (London, 1923), pp. 77–79; Amin Sa'id, *op. cit.*, Vol. II, pp. 167–74.

[6] The Congress was adamant in its opposition, but the Cabinet approved the acceptance of the ultimatum. See Sati' al-Husri, *op. cit.*, pp. 112, 114, 122.

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Hasani, Qadi of Damascus and a moderate nationalist, as head of a provisional Government charged with holding general elections and calling a Constituent Assembly. Recent insurgents and political prisoners were released.[9]

THE CONSTITUTION OF 1930

The elections for a Constituent Assembly were held in April 1928 and the Assembly met at Damascus on June 9. M. Ponsot, in his inaugural address, declared that once the Assembly had completed its work the time would have come for placing the relations between France and Syria on the basis of a treaty. Sheikh Taj al-Din declared that the Assembly "will have full freedom in the drafting of the Constitution."[10] The Assembly elected Hashim al-Atasi, leader of the Syrian nationalists, as its president; and appointed a drafting committee of 27 members, with Ibrahim Hananu as its chairman and Fawzi al-Ghazzi as rapporteur.

The drafting of the Constitution was primarily the work of a subcommittee of three, Fawzi al-Ghazzi, Fa'iz al-Khuri, and Zaki al-Khattib, under the chairmanship of al-Ghazzi. Studying in detail the constitutions of Lebanon, Egypt, Iraq, Iran, France, and Belgium, as well as the old Ottoman Constitution of Midhat Pasha, the committee submitted its draft to the Constituent Assembly for discussion on August 2. As finally accepted in principle, the draft stipulated that Syria within its natural boundaries is an indivisible political unit and an independent sovereign state; its form of government is republican; and the religion of its head is Islam. The capital of the state is the city of Damascus. The Constitution provided, likewise, a Bill of Rights, in which the principles of liberty, equality, private property, etc., are all guaranteed

The form of government is parliamentary, but the head of the executive power is the President of the Republic. He is elected by Parliament for a period of five years, but he is not eligible for re-election until the lapse of five years from the

[9] With the exception of 39 persons whom the High Commissioner refused to set free.
[10] *Jalsat al-majlis al-ta'sisi al-suri* [*Proceedings of the Constituent Assembly*] (Damascus, 1928), pp. 1–3.

expiration of his term. The President selects the Prime Minister and appoints the ministers upon the latter's recommendation. He sanctions legislation and signs treaties; but treaties and contracts having to do with the security of the State and its financial policy must be approved by Parliament. The President is not responsible, since every decision or decree made by him should be countersigned by the Minister or Ministers concerned, except the decree for appointing a Prime Minister. The President calls, prorogues, and dissolves Parliament upon the recommendation of the Cabinet. The Cabinet is composed of not more than seven members who are individually, as well as jointly, responsible to Parliament. The Ministers need not be members of Parliament, but they can attend and take part in Parliamentary debate.

Parliament is made up of one House (the *Majlis*, or Chamber of Deputies), which is freely elected every four years and sits in two sessions each year — from mid-March to the end of May, and from mid-October to the end of December. The Chamber of Deputies meets in public as well as in secret session and its members enjoy full parliamentary immunity during the session. Every male Syrian who has attained his twentieth year can vote. Parliament can initiate legislation, except perhaps financial bills, and can ask questions regarding the conduct of any Ministry. The Constitution provided also for the establishment of a High Court composed of 15 members to be chosen from Parliament and from among competent judges. This Court is regarded as the supreme judicial organ of the State. Finally, the Constitution might be amended by two-thirds of the members of Parliament or at the request of the President of the Republic in agreement with the Council of Ministers and with the approval of two-thirds of the Parliament.

The draft constitution may be regarded as expressing the free will of the Syrian people. It ignored entirely France's obligations as a Mandatory Power toward the League of Nations, since the Constituent Assembly regarded Syria both as fully independent and as an indivisible political unity; that is, to include Lebanon and Palestine. The High Commissioner, placed in an impossible position, informed the Assembly that certain articles in the draft called for express reservations on his part, some be-

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cause they were in formal contradiction with France's international obligations as a Mandatory Power, others because they could not be given practical effect without a previous agreement with France. The following articles were specifically objected to:

Article 73. The President exercises the right of pardon. Amnesties can only be granted by law.

Article 74. The President concludes and signs treaties; but treaties concerning the security of the state or the public finances, treaties of commerce, and, in general, all treaties which cannot be denounced at the expiration of each year do not become definitive until they have been voted by Parliament.

Article 75. The President of the Republic nominates representatives abroad and receives foreign representatives.

Article 110. The organization of the future army will form the subject of a special law.

Article 112. The President of the Republic may, on the proposal of the Council of Ministers, proclaim a state of siege in disturbed districts, on condition that he inform Parliament immediately. If Parliament is not in session, the President will proceed to summon it without delay.

Further, Article 2, declaring Syria to be both indivisible and fully sovereign, the High Commissioner stated, was in conflict not only with international agreements, but with a "situation of fact and of law" which could not be modified by a unilateral decision.[11] He suggested that the Assembly should separate (*disjonction*) the foregoing six articles. Sheikh Taj al-Din, the Prime Minister, endorsed the request of the High Commissioner and asked the Assembly to delete these articles until the question of relations with France was settled by a treaty of alliance.[12]

The High Commissioner's message and Sheikh Taj al-Din's statement aroused the indignation of the Assembly. The unanimous opinion of the members was that those six articles were the only ones that mattered and that their separation would virtually "leave nothing significant" in the constitution. The Assembly therefore handed the High Commissioner a formal note of rejection. The High Commissioner retorted by adjourning the Assembly for three months; but the Assembly, meeting for the

[11] *Rapport à la Société des Nations sur la situation de la Syrie et du Liban*, p. 16. See also *Proceedings of the Constituent Assembly*, p. 278.

[12] For the Assembly's reactions, see *Proceedings of the Constituent Assembly*, p. 279–308 passim.

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last time on August 10, 1928, passed a resolution empowering its President to negotiate on its behalf with the authorities "for the fulfilment of the country's [national] aspirations." But negotiations between the leading Syrian nationalists and the High Commissioner led to no agreement. Following an exchange of a number of proposals and counter-proposals,[13] the High Commissioner, by a decree issued on February 5, 1929, prorogued the Constituent Assembly *sine die*." It was over a year later, on May 14, 1930, that M. Ponsot, after consultations in Paris, surprised the nationalists by promulgating the Constitution. The text included Article 2 as altered by a previous proposal of his to reduce it to "Syria is an indivisible political unity," but the other articles in question remained unchanged. There appeared also a new provision (Article 116) withholding from application all provisions which infringed upon France's international obligations relative to Syria, or dealt with the maintenance of security or with foreign relations. Such provisions would become applicable only after special agreement between Syria and the French Government. The Nationalists somewhat grudgingly decided to take part in the elections on this basis, but another eighteen months elapsed before M. Ponsot issued orders for holding them. The elections were finally completed on March 30, 1932, and resulted in a victory for the moderates rather than the nationalist elements.

When Parliament met on June 7, 1932, there was considerable discussion regarding the election of the President. The Nationalists' candidate, Hashim al-Atasi, could muster only 17 votes; nevertheless they declared their intention of withdrawing from Parliament if the Government insisted upon the election of one of its two candidates: Subhi Barakat or Haqqi al-Azm. A compromise was finally reached by electing Muhammad Ali al-Abid, who was *persona grata* to both groups, on the understanding that he would select Haqqi al-Azm, candidate of the moderates, as Prime Minister. In this way the first republican administration was established by the French in cooperation with the Syrian

[13] For these proposals and counter-proposals, see Amin Sa'id, *op. cit.*, Vol. III, pp. 550-51. For the French version, see *Rapport à la Société des Nations sur la situation de la Syrie et du Liban*, pp. 20-21.

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nationalists. And it was thus that the long period of "provisional" administrations, under the direct control of the French High Commissioner, came to an end.

THE FIRST REPUBLIC

Constitutional evolution during the first republic largely involved attempts to formulate treaty relations with France. There were two major efforts in this direction and both were unsuccessful. The main obstacle to successful treaty negotiations in 1933 was France's disregard of Syrian unity.[14] Not only did the French insist that Lebanon be excluded from any future Syrian state — even Jabal Druze and Latakia were to remain semi-independent.[15] The Nationalists also objected to the uncertainty over the abolition of the capitulatory regime, the unlimited rights given to France to maintain forces on Syrian territory, and the creation of a department of common interests for the regulation and control of the economic resources in which France was to have a preponderant position.[16]

A draft treaty was in fact signed on November 16, 1933. Following a brief and inconclusive debate, during which the principal objections raised by the Nationalists were reiterated, the High Commissioner suspended Parliament. Two days later, on November 26, the President of the Syrian Republic withdrew the treaty from Parliament at the High Commissioner's request. Parliament was suspended, and a year later dissolved *sine die*, with the President of the Republic authorized to govern by decrees. In 1934 the Government of Haqqi al-Azm was replaced by that of Sheikh Taj al-Din, who remained in office for about two years. Thus the first attempt at solving relations between France and Syria failed, with consequential impairment of the constitutional organization which had just been set up.

France's second attempt to come to an agreement with the

[14] The two Nationalist Cabinet members resigned in protest on April 12. For text of the manifesto giving their reasons, see Amin Sa'id, *op. cit.*, Vol. III, pp. 575–76.

[15] For a discussion of the policy of division in Syria compared with the unitary policy of Britain in Iraq, see A. J. Toynbee, *Survey of International Affairs, 1934* (London, 1935), pp. 284–88, 292–96.

[16] For a discussion of the Principal Syrian objections to the treaty and its comparison with the British treaty with Iraq, see George Antonius, "Syria and the French Mandate," *International Affairs*, XIII (1934), pp. 532 ff.

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which was followed by that of President Hashim al-Atasi, and the French High Commissioner suspended Parliament. Thus the second attempt to come to an understanding with Syria failed.

NATIONAL REGIME: THE SECOND REPUBLIC

The outbreak of World War II brought renewed hopes for independence. Upon France's defeat in 1940 the Syrian Nationalists began to agitate for the immediate formation of a national Government; indeed some of them went so far as to contact secretly the Iraqi nationalists, inviting them to intervene and unite the two countries under the Crown of Iraq. A few urged cooperation with the Axis, but the failure of the Rashid Ali movement in Iraq raised doubts as to the feasibility of achieving Arab national aspirations along this path, and on the whole the moderate elements began to come to the fore.

The joint Anglo-French occupation of Syria and Lebanon in 1941 brought with it a promise of independence. A Provisional Government was appointed, and on September 28, 1941, General Catroux formally proclaimed the independence of Syria. The Constitution, however, was not at once restored, and the Nationalists, led by Shukri al-Quwwatli, revived their activities. They pledged cooperation with the democratic powers, but demanded either the immediate restoration of the Majlis of 1936–39 or the holding of new elections. Finally, in January 1943 M. Helleu, representing General Catroux, French Delegate-General, announced the restoration of the Constitution and initiated arrangements for general elections. These were held on July 26, with the Nationalist Party (al-Kutla) overwhelmingly victorious.

The Majlis met on August 17, 1943, and elected Shukri al-Quwwatli, who had emerged as the unrivaled leader of the Nationalists, President of the Republic, and Faris al-Khuri President of the Majlis. On August 19 the President invited Sa'dullah al-Jabiri to form a new Cabinet, drawn almost wholly from the Kutla, and the Government began immediately afterward to negotiate with the French authorities for the transfer of such controls as the French still exercised.

Syria's struggle against foreign control was thus fully re-

warded. Not only did it emerge as a sovereign state, but it successfully avoided entering into any such special treaty relations with France as Great Britain had managed to establish with Iraq. The Nationalists' cause was won, the *amour propre* of the Syrian people was gratified. Syria became, of all the Arab states, the first to shape freely its social, cultural, economic, and political affairs.

Independence, however, was not coupled with that full political unity which the Nationalists held almost as dear. Not only did Palestine remain completely beyond the bounds of a possible Syrian state: Lebanon has definitely refused to join Syria in any form of union which would destroy or encroach on its sovereign attributes, and Jordan has accepted union only on its own terms. The dismemberment of Syria after World War I has not been repaired by the mere withdrawal of foreign control, and the "Greater Syria" plan, designed to regroup the various fragments into a sort of federal union has raised the complex problem of adjusting the internal differences and vested interests which were partially submerged in the struggle against foreign control. Thus the question of Syrian unity, whether in the form of a Greater Syria, Syro-Iraqi unity, or Fertile Crescent scheme, remains one of the factors influencing Syria's constitutional evolution.

Probably far more disrupting to the present Syrian state than the question of unity is the lack of cohesion among the various political forces. Stability in government presupposes the development of constitutional traditions. Frequent changes of regime, a prolonged program of noncooperation with, and at times violence against, foreign rule hardly afforded an opportunity of developing the tradition of responsibility necessary for stable government.

It was not until August 1947, when the term of office of President Quwwatli was due to expire, that a formal amendment of the 1930 Constitution was proposed, and not until November that any action was taken. Article 68, which prohibited the eligibility of the President for re-election was to be amended to permit a second term, but a third term was made possible only after the lapse of a period of five years. Articles 85 and 86, dealing with the procedure and time of the election of the President,

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were to be carried out by a special decree. Article 89, which specified that the number of ministers was not to exceed 7, was amended to read 12. Finally, Articles 71 and 115, specifying the procedure of electing the first President of the Republic, were deleted.[28]

THE MILITARY COUPS D'ÉTAT

The Quwwatli regime, which could flatter itself on having achieved full independence for Syria, failed to inaugurate the reforms which were so badly needed. The criticism levelled against the Government — that it was corrupt and permitted the aggrandizement of its Ministers — might have been exaggerated, but it will be noted that the Government's "constitutional reform" merely amended those articles which related to the re-election of Quwwatli to the Presidency and to the Cabinet membership, ignoring many other gaps and defects in the constitutional organization of the State. This fact lent substance to the criticism that the Government paid attention only to matters that served the interests of the ruling oligarchy.[29]

Matters came to a head when the Syrian Government (jointly with the other Arab Governments) failed to forestall the establishment of a Jewish State in Palestine. The Quwwatli regime's attempt to shift the responsibility of defeat to the Army precipitated a reaction. Colonel Husni al-Za'im, secretly encouraged by the opposition parties, raised a military coup d'état on March 30, 1949, which overthrew the Quwwatli regime amidst popular enthusiasm and approval.[30]

Za'im's coup, by eliminating the party which was so avowedly opposed to uniting or even cooperating with the two neighboring Hashimi Kingdoms, at once reopened the question of the future organization of Syria: whether it would be monarchical, by joining a union with Iraq, or maintain a separate republican

[28] For text of the Amendment Law, see the Syrian *Official Gazette*, Vol. 30 (March 25, 1948), p. 756. For further details on the Amendment of the Constitution, see Wajih al-Haffar, *Al-dastur wa al-hukm* [*The Constitution and the Government*] (Damascus, 1948), pp. 123–30.

[29] Wajih al-Haffar, *op. cit.*, pp. 133–54; M. Kurd Ali, *Al-Mudhakkarat* [*Memoirs*] (Damascus, 1948), Vol. II, p. 530.

[30] For the background of this movement, see Alford Carleton, "The Syrian Coups d'Etat of 1949" *Middle East Journal*, IV (Jan. 1950), pp. 1–11.

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regime. Both Iraq and Jordan, arguing that a union with Syria would strengthen their position against Israel, opened negotiations with Za'im. Pressed by an immediate need to strengthen his position in the forthcoming armistice negotiations with Israel, Za'im offered to conclude an immediate military alliance with a pledge to consider the larger scheme of future cooperation with the Hashimi Kingdoms later on. He refused, however, to commit himself on whether he favored a republican or monarchical regime.[21]

Za'im's move toward negotiation with the Hashimi Kingdoms aroused the fear of the Saudi-Egyptian bloc that a rapprochement would lead to an extension of Hashimi rule to Syria. Egypt and Saudi Arabia therefore countered with promises of recognition and assurances of military and financial aid. This Saudi-Egyptian intervention was so successful that it not only doomed a Syro-Iraqi dual monarchy (with possible extension to Jordan) but inspired Za'im to reach for the highest position of his country — an ambition which sowed the seeds of disagreement between him and his supporters, both civil and military, who now argued that Za'im had betrayed the cause for which they had instigated the coup, namely to rid the country of the Quwwatli regime.

In April 1949 Za'im dismissed Parliament and ordered new elections on the basis of universal suffrage, including women — the first to be thus held in an Arab country. After Za'im's election to the Presidency, preparations were made to promulgate a new Constitution into which liberal principles were to be introduced, especially relating to land reform. This Constitution, though completed, was never promulgated; but a new civil code, bearing the stamp of the Egyptian jurist Sanhuri Pasha (who had already started research along this line at the initiation of the Iraqi Government), was issued. Although based on both European models and the principles of Islamic law, this code materially restricted the authority of the latter. It is regarded as one of the permanent contributions of Za'im's short-lived regime.

[21] The relations of the Syrian coups d'état to the schemes of unity with Iraq and Jordan are discussed in detail in a paper by the present writer entitled "The Scheme of Fertile Crescent Unity" contributed to a volume to be published shortly by the Harvard University Press.

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Za'im was overthrown by his opponents on August 14, 1949, having remained in power only four and a half months. Colonel Sami al-Hinnawi, who led this second coup and executed Za'im, reversed the policy of friendly relations with the Saudi-Egyptian bloc and again opened negotiations with Iraq for a Syro-Iraqi union. Elections for a Constituent Assembly were held in November, but when the Assembly met on December 12 and was about to approve a project for union with Iraq, a third army move on December 14, led by Colonel Adib Shishakli, sealed the fate of unity with Iraq under a dual monarchy. Shishakli declared that the Army would no longer interfere in politics and that government by civilians would be maintained; but it remained clear that the Army would continue to resist any policy which ran counter to its wishes.

The Constituent Assembly elected Rushdi al-Kikhya, leader of the People's Party which won the elections, as its President, and Hashim al-Atasi, an old member of the Nationalist Party, as the temporary head of the State. On January 7, 1950, after a long cabinet crisis attributed to the intervention of the Army in politics, President Atasi took an oath of office and the Constituent Assembly gave temporary legislative and executive powers to the Government, subject to its control, until the promulgation of a Constitution. In the meantime a committee of 33 members, under the chairmanship of Nazim al-Qudsi, was appointed to prepare a draft constitution for the Assembly. The Committee began its meetings on January 4 and completed its work three months later. As its chairman stated in his report to the Assembly, the Committee made use of no less than fifteen European and Asiatic (including Arab) constitutions, and received proposals from individuals and organizations either directly or through the press.[22] The draft Constitution, consisting of 177 articles, was communicated to the President of the Assembly on April 15, 1950, but debate did not get underway until July 7. After prolonged discussion, first on the draft generally and then article by article, the Constitution was approved with considerable changes (including reduction to 166 articles) on September 5,

[22] See text of the Report in the *Official Gazette*, Vol. 32 (June 22, 1950), Appendix, pp. 1–2.

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1950, and was formally promulgated on the same day by the President of the Assembly.

THE CONSTITUTION OF 1950

The new Syrian Constitution has made no fundamental changes in the form or structure of the Government as it existed in the Constitution of 1930. The most interesting innovations are to be found rather in the general articles expressing the hopes and aspirations of the Syrian nation, in the detailed Bill of Rights, and in those provisions relating to land resources and education. The Constitution opens with a long preamble stressing principles of justice, fundamental civil liberties, fraternity and social consciousness; the liberation of citizens from the miseries of poverty, disease, ignorance, and fear; the principle of equality, defence of the Republic and the Constitution, and the development of individual responsibility and pride in the State. The preamble pays lip service to Arab unity in deference to the Pan-Arabs, and to Islam as the religion of the majority of the people.[19]

As did the Constitution of 1930, that of 1950 declares Syria to be "an indivisible political unity"; but it adds that it forms "a part of the Arab nation" (Article 1). The draft Constitution stated that Syria is "a representative and sovereign Arab Republic," but to this the Constituent Assembly added that it is also "democratic" and "fully" sovereign.[20] Islam was treated as a state religion in the draft constitution, while the other "heavenly religions" were declared "respected" and "sacred"; but the arguments of Christian and liberal Muslim quarters finally prevailed upon the Assembly and the formula of the Constitution of 1930, declaring merely that "the religion of the President of the Republic is Islam," was reinstated. But it was also asserted, prob-

[19] The deference to Islam in the Preamble did not appear in the original draft, but was added later by the Constituent Assembly, in conjunction with its decision to remove the clause declaring Islam to be a state religion, in order to satisfy the religious-minded section of the Assembly.

[20] For text of the draft Constitution as it was taken up by the Constituent Assembly, see *Official Gazette*, Vol. 32 (June 22, 1950), Appendix, pp. 12–27. For the final text as approved by the Assembly, see *ibid.*, Vol. 32 (September 7, 1950), pp. 3159–3175. For the debate on the draft Constitution, beginning with the meeting of July 7, see *Proceedings of the Constituent Assembly*, in the *Official Gazette*, Vol. 32 (1950), pp. 630 ff.

ably in deference to the feelings of pious Muslims, that "Islamic Law shall be the main source of legislation." (Article 3.)

The new Constitution provides that the President, following the pattern of the Constitution of 1930 before its amendment, is elected by Parliament for a term of five years but is not eligible for re-election until an interval of like duration. The President is given certain exclusive powers, such as the right of suspensory veto, the dissolution of Parliament under certain circumstances, the right of appointing the Prime Minister and the other Ministers upon the recommendation of the Prime Minister, and the right to communicate directly with Parliament by messages addressed to its President. He is also held responsible for violation of the Constitution, for high treason, and for ordinary offenses, but he cannot be tried except by the Supreme Court. For other powers which the President exercises in conjunction with the Prime Minister or Minister concerned he is obviously not held responsible. Among such are the powers of appointment of Government officials and judges, sending and receiving diplomats, ratifying treaties with the approval of Parliament, and declaring war and signing peace treaties with the approval of the Council of Ministers, the High Defense Council, and Parliament. If the President is incapacitated from exercising his power for reasons other than death or resignation, the President of the Parliament temporarily exercises these powers. In case of death or resignation, Parliament must meet within ten days to elect another President.

The Cabinet is composed of the Prime Minister and Ministers, the number and functions of whom are to be defined by a special law. The Ministers may or may not be members of Parliament. The Cabinet prepares a platform on the basis of which the Prime Minister asks for a vote of confidence in Parliament; lack of confidence compels the Cabinet to resign. The Cabinet is jointly responsible to Parliament for its general policy, and each Minister is individually responsible for the work of his Ministry. The Ministers are not permitted directly or indirectly to enter into any business transactions with the Government during their terms of office, and they are held liable for indictment and trial

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by the Supreme Court on the accusation of such activity attributed to them.

Parliament is composed of one Chamber of Deputies (Majlis), elected on the basis of direct universal suffrage (including women) for a term of four years. It convenes from October 1 to December 31 and from March 1 to May 15, and each year elects its President on the basis of absolute majority. The Deputies represent the entire nation and not their own constituencies. As in the case of the Ministers, the Deputies are not permitted to exploit their positions in any business transaction with the Government. Legislation, other than financial bills, may be initiated by Parliament or by the President with the approval of the Cabinet; but financial bills which involve reduction of taxes or expenditures of funds must be proposed either by 20 members of Parliament or by the President with the approval of the Cabinet. Article 59 stipulates that Parliament "shall not cede its legislative powers." This article, it seems, was inserted to ensure that Parliament would not follow the example of the Constituent Assembly in delegating legislative, in addition to executive, powers to the Government and thus pave the way toward the realization of a dictatorial regime. If one-fourth of the members of Parliament object to the constitutionality of a bill before its promulgation, or if the President does so, then it is suspended until the Supreme Court passes a decision regarding its constitutionality. If the Supreme Court decides within 10 days that the bill is unconstitutional, it is returned to Parliament for reconsideration.

The judicial system is designed to be free from interference by any other governmental agency. "The honor, conscience, and integrity of the judges are guaranteed for the right and freedom of the people." (Article 105.) The judicial power is exercised by three types of courts: (1) the Supreme Court; (2) the Court of Cassation; (3) ordinary tribunals. The Supreme Court is composed of 7 members to be elected by Parliament from a list of 14 nominees chosen from among highly qualified judges. The members of the Supreme Court are elected for 5 years and are eligible for re-election. They are independent and cannot be discharged except by a decision of the Supreme Court itself.

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The functions of the Court are: (1) to consider the constitutionality of laws, decrees, and any administrative decisions; (2) to conduct the trial of the President of the Republic and the Ministers; and (3) to examine the validity of elections.

For the purpose of the appointment, promotion, transfer, and discharge of judges or the various courts other than the Supreme Court, a High Council of Judges is provided, composed of the President of the Supreme Court, two members of the Supreme Court, and the highest ranking four judges of the Court of Cassation. The Council is set up to ensure that the judicial authority is kept independent of the influence of the Government.

The Constitution provides, likewise, detailed provisions for the division of the country into administrative units and for local provincial government and municipal administration. It also provides rules for the preparation of the budget and the procedure of its introduction to Parliament, as well as other measures related to financial policy. An interesting provision related to the economic development of the country is the establishment of a Permanent Economic Council for the purpose of formulating plans for the development and exploitation of the economic potentialities of Syria.

Probably the most interesting innovation of the Constitution is its Bill of Rights comprising 28 articles which define with considerable detail the fundamental principles of freedom and the social and economic rights of the individual citizen. The numerous provisions stressing liberty and equality of the individual and the freedom of the press may seem superfluous, but they are deemed worthy of emphasis in view of the authoritarian tendency in the administration since the establishment of the national regime.

Article 21 marks a radical departure from the principle of the existing social-economic system. In this article, property is defined as both "public" and "private"; and the State like the individual may possess property within the limits of the law. As to private ownership, "the method of its possession and disposal shall be specified by law in such a manner as to make it perform its social function." Further, no individual is to be permitted to "utilize his private ownership in a manner inconsistent

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642 with public welfare." All subsoil minerals, solid or liquid, are
423 declared the property of the State; and the State, in the general interest, is permitted to expropriate private property in accordance with a law providing for just compensation. But Article 23 ensures that no "general confiscation" shall be permitted.

The Constitution provides in like manner the way of utilizing the land. It stipulates that land "shall be cultivated and not neglected"; and that should it be left unexploited within a certain period to be specified by law, the right of usufruct is alienated. The Constitution provides, likewise, that "a maximum limit for land ownership shall be prescribed by law," and that small and medium ownership is to be encouraged: "The State shall distribute State lands to peasants to whom land is not available sufficient to their living, against small rents to be repaid in installments." (Article 22.)[25]

642 Labor is regarded as "the most basic factor in social life," and
659 is "the right of all citizens." "The State shall provide work to citizens and shall guarantee it by directing and promoting the national economy." (Article 26.) The State undertakes to protect labor and provide legislation for the regulation of wages, hours of labor, allowances, and the improvement of social and health conditions. Trade unions are permitted to be formed within the limits of the law. Forced labor is prohibited except by law aimed at certain specific social and constructional services, and in case of war and emergencies.

642 Education is declared a right of every citizen. Elementary
871 education is compulsory and free in all Government schools. Secondary and professional education, though not compulsory, is also free in all Government schools. "The State shall give priority in the budget for the spread and expansion of elementary, rural, and professional education." The aim of education is defined as "the creation of a generation strong in body and mind, full of faith in God, endowed with moral virtues, proud in the

425 [25] On February 15, 1951, the Minister of Agriculture announced a plan for the distribution of 166,000 dunams (app. 41,500 acres) of State land in the Jazirah area among 554 Bedouin families of the Shammar Zor tribe. Each family will receive 300 dunams (75 acres), and each peasant, after paying the State LS 1.5 annually for 3 years, will own his share of the land. The State land is to be distributed among several villages, each village to receive 20,000 dunams (5,000 acres).

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Arab heritages, equipped with knowledge, aware of its duties and obligations, working for the general welfare, imbued with the spirit of collaboration and fraternity among all citizens." (Article 28.) To achieve these ends the State undertakes to supervise all educational institutions in the country and to formulate programs to be applied in the various stages of training. The State alone has the right to grant and to standardize school certificates. Further, a Board of Education is to be set up to formulate educational policy and plans, the composition and functions of which are to be defined by law.

Military service is compulsory, the justification being that the defense of the country is a "sacred duty" and that the Army is the guardian of the Fatherland. The family is the basis of society and is to be protected by the State. The State protects and encourages marriage and endeavors to remove the material and social obstacles which hinder it.

The transitional provisions of the Constitution specify that within ten years from its coming into force illiteracy must be eliminated from the country. Another provision relates to the formulation of a plan for the gradual settlement of the tribes.

Finally, the Constitution stipulates that no amendment is to be made for two years. Thereafter the Constitution may be amended either by a proposal from the President with the approval of the Cabinet and Parliament if one-third of its members submit an application to this effect. Parliament will then consider the proposed amendment; if approved by an absolute majority, it is considered approved as a motion. If it is rejected, the rejection is final and no application for the amendment of the same article can be submitted again for one year. Six months after the adoption of a motion in favor of amendment, Parliament can begin to discuss the proposed alteration. A two-thirds majority is required for approval.

APPRAISAL

The Syrian Constitution of 1950 clearly reflects the influence of both the new European constitutions and the recent course of Arab nationalism. The socialistic trends reflect a realization of the need of rebuilding the social-economic system, which had

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been long neglected owing to the preoccupation of Syrian nationalists with the more urgent political problem of achieving independence. When independence had been achieved, the Nationalist regime failed to command respect because of its reliance on the oligarchic and feudal groups held over from the old Ottoman period. It was still necessary, once the leaders of the national regime were overthrown, to adopt new social and economic measures before a truly democratic system of government would come into being. These socialistic provisions, however, are not of a Marxist nature, since they maintain almost intact the principles of private property and free enterprise.

One would expect a strong Arab nationalist tinge to the constitution of the country which had been, from the very beginning of the nationalist movement, the hot-bed of Pan-Arabism. Failure to achieve Arab unity following World War I did not quench the ardor for it as a nationalist goal. The establishment of the Arab League was hailed as an important step toward that end; but the League's failure to save Palestine from the Zionists again gave rise to a desire for a closer unity. The establishment of Israel, regarded as a threat to the Arab states, has aggravated this intense Pan-Arab feeling. Loyalty to the Pan-Arab ideal has made it difficult for Syria to make up its mind, in an Arab world divided into two camps, which of the two it should join, or whether it should join either. The new Constitution of 1950 has also been characterized as "spiritual" in that it requires religious teaching of all denominations and stresses ethical and spiritual values in life.[28] Relaxation in Government administration and wartime conditions have brought a noticeable deterioration in public morality not only in Syria but throughout the Arab world. The emphasis on religious and ethical values is partly to repair this decadence but probably more to create confidence in the new regime.

Finally, it is to be noted that the new Constitution is both extremely detailed in its provisions and rigid in the procedure of its amendment. Such provisions reflect the apprehension of the new group in power lest the elder politicians and vested interests

[28] See a lecture by the Rapporteur of the drafting committee, Dr. 'Abd al-Wahhab Hawmad, *Hawl al-dastur al-jadid* [*On the New Constitution*] (Damascus, 1950), pp. 8–9.

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work the administration to their advantage. But such detailed provisions are likely to call for frequent amendment under the rapid changes of modern life, while the procedure of amendment is difficult and discourages change. Certainly Syria needs to avoid further revolutionary change, but the new Constitution, with its detailed provisions and rigidity, has not adequately provided legal means for peaceful evolution.

The rapid changes in Syria's regimes during the last two years since Colonel Husni al-Za'im precipitated the first coup d'état are not an accidental phenomenon when considered in the light of Syria's constitutional development since World War I. These changes, however, have been accelerated and in certain respects rendered dangerous by the introduction of the Army into the play of political forces. The Army's declarations that its interference was merely to rid the country of an undesirable administration and to maintain the republican regime have been taken by the Syrian people only at their face value; and far-sighted Syrians as well as disinterested foreign observers are still gravely concerned about what the future will have in store for Syria if the Army continues to interfere in politics whenever the civilian leaders advocate policies which run contrary to the wishes of the military. Judging by the recent experiences of Iraq with a similar situation, it would seem that either the Army will eventually take full control of political activities or it must be crushed as a political force.

Closely connected with Syria's internal struggle between the Army and the civilian politicians is the division of the Arab world into two rival camps; Syria is inevitably, though perhaps unwillingly, drawn into the resultant conflict. Each of these two camps has aggravated Syria's internal changes by supporting certain influential politicians and parties, hoping to orientate Syria in its direction. This political struggle in the Arab world has raised such issues as that of monarchy and republicanism, and has intensified the struggle among ambitious politicians who advocated such plans as those of Greater Syria, a Syro-Iraqi dual monarchy, and general Arab collective security.

Syria's most urgent need, it seems, is a stable government; but this depends now less upon Syria itself than upon external inter-

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ference in its affairs. If left alone, Syria may still be able to solve the Army-civilian struggle for supreme authority which is essential for internal stability. If, however, foreign interference — direct or inspired — continues, the future of Syria will depend accordingly on the larger problem of the stability and social-economic reorganization of the whole Arab world.

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Bishara al-Khouri, became President with the pan-Arab Riyad as-Sulh as Prime Minister; these nationalists were not satisfied with mere titular sovereignty but claimed the reality of independence, and in November 1943 a Free French resort to force against them was reversed only by a British intervention, endorsed by the United States Government. The Free French were thus constrained to transfer most branches of the administration to the Syrian and Lebanese Parliaments, but retained control of the local 'Troupes Spéciales' and obstructed the proper equipping of the Syrian gendarmerie. The French intention was to make this vital concession of authority conditional upon the conclusion of a Franco-Syrian treaty which would give France much the same strategic, economic, and cultural advantages as Britain had retained in Iraq by the already obsolescent Treaty of 1930. In March 1945 Syria and Lebanon had been admitted as sovereign states to membership both of the United Nations and of the League of Arab States. The Syrian nationalists were not prepared to subordinate their sovereignty to an imposed alliance with France, and the landing of a contingent of Senegalese troops immediately after VE-day (in disregard of a personal appeal of Churchill to de Gaulle) was regarded in both Syria and Lebanon as clear evidence of a French resort to coercion. Sporadic outbreaks of violence between the Syrian gendarmerie and the local nationalists on the one hand and the French garrison on the other became general, and when, at the end of May 1945, the local French Commander carried out a bombardment of Damascus the British Government ordered their Commander-in-Chief, Middle East, to intervene, by force if necessary, to restore order in a region whose security was vital for British communications in the still-continuing war in the Far East. The crisis accelerated the complete withdrawal of all foreign troops, concerning which the demands of the Syrian and Lebanese Governments were supported by the Security Council; the process was completed in Syria by 15 April 1946 and in Lebanon by the end of the year.

Between the wars, the French Mandate had allowed political development in Lebanon to produce at least a façade of parliamentary democracy, with arrangements between the Muslim and Christian leaders on the division of political power and prerogatives, and the active commercial and intellectual life of Lebanon made progress with a minimum of government interference. In Syria, however, local separatisms which French policy had encouraged made it very difficult for any Syrian Government to knit the people together from Damascus; the

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foundations for commercial and intellectual progress were less firmly established than in Lebanon, and the Muslim leaders of the political parties were given little opportunity to acquire the technique of government. The root of the trouble was that the French were opposed to self-government and tended to refuse office to nationalist political leaders, except for short, self-defeating periods. But though they failed to foster self-government, the French did much good in both Syria and Lebanon as engineers, doctors, educators, and archaeologists, and performed a valuable service in training at least a cadre of competent civil servants.

With the end of the French Mandate there emerged two sovereign and independent Republics with many mutual and some conflicting interests. For some years the rest of the world failed to distinguish between the two, and it is still possible to find educated persons who suppose that Beirut is the capital of Syria. Syria and Lebanon are, to some extent, mutually dependent or complementary, but they are distinct and their political development will be considered separately.

Government and Politics

(a) Syria

Under her constitution Syria is a Republic in which the legislative power is in the hands of a Chamber of Deputies numbering 114 members in 1949. The deputies are elected by direct suffrage granted to all men and to women of a certain educational standard. The representation of religious minorities is shown in the table on p. 466 above. The President of the Republic must be a Muslim and is elected for a term of five years by the Parliament; he nominates the Prime Minister who appoints his cabinet ministers. The Parliament is elected for four years but may be dissolved by the President. The constitution was suspended in 1952 by the military dictatorship and a new one on the Presidential model adopted in July 1953.

Damascus is the seat of government and there are ten provinces, each under a Governor who is assisted by a staff of civil servants representing most of the ministries. The provinces (*muhafaza*) are divided in *qazas*, each under a *qaimaqam*, who is a civil servant under the Ministry of Interior; the *qazas* are divided into *nahiyas* under *mudirs*. Within a *nahiya* may be several villages, each of which is rather loosely under the control of the *mukhtar* who may be elected by the village or appointed by the ministry. The judiciary are independent of the legislature and

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642 are not removable except by the action of the Supreme Court of Justice.

Political Parties

665 668 Since 1946 political parties in Syria have been little more than côteries grouped temporarily around individual leaders. It is hard to distinguish between the personalities and the policies of the Nationalist and the Populist Parties, for individuals and groups divided differently on different matters. In fact, there have been only two main parties, those in power and those waiting to accede to power. The two chief parties in opposition have been the Nationalist Bloc and the People's Party, groups of men who also called themselves Liberals or Constitutionalists. These two parties' main concern has been to maintain or to establish themselves in power; both have naturally been nationalist in sentiment but no distinctive programmes or tendencies are to be seen except in the more extreme political groups.

The Communist Party and its leader, Khaled Baqdash, went underground in 1947 and since then the interests of Communism have best been served in Syria by those who, while not adopting the theories of the Communists, share with them a dislike for the Western Powers. Chief in this category is the Muslim Brotherhood, one of whose leaders, Shaikh Maarouf Dawalibi, has said that he would prefer Russian to Western domination. In 1947 an attempt was made by the Brotherhood to obtain sufficient weight in Parliament to resist the encroachment of Western ideas and amusements, but in January 1952 the Muslim Brotherhood and all political parties were suspended. Although nationalist politicians can claim much of the credit for the achievement of independence, to the 'man in the street' politicians have since been discredited, and it may be that a slower approach towards parliamentary democracy will yield results that were denied to the post-war precipitancy.

Political History since 1945

The Nationalist Party came into office in 1943 to wrest independence from the French, whose withdrawal removed also the only plank in the party's political platform. Their stock declined more rapidly when the conduct of the Palestine war and internal government aroused general disapproval. In 1947 the Populist Party came into power but Jamil Mardam, the Nationalist Party Premier, retained his place; from 1946–8 Mardam showed his skill as a tactician in controlling a Chamber in which his supporters were in a minority. In 1948 President

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665 669 or retiring officers who showed signs of becoming dangerous. In 1952 he played a large part in endeavouring to give a firm foundation to the new Umma Party and has also made rather more public appearances than at first.[1]

Khaled al-Azm's Cabinet had no common policy to bind them together and resigned in June 1950 to give way to a wholly Populist Cabinet in which Colonel Fawzi Silu took the Defence portfolio as the army's nominee. The rest of the year saw minor constitutional changes and there were stirrings of dissent amongst the military leaders which came to light in the murder of the Commander of the army air force and in an attempt on the life of Shishakli. In the autumn of 1950 pro-Hashimite politicians were out of favour and most of the time in prison. In March 1951 the premiership changed hands; al-Azm was succeeded by Nazim Qudsi, a Populist with no hatred for the Western Powers. Qudsi tried, but failed, to limit the authority of the army; al-Azm again took office, but he, too, found no support in the Parliament. With Shishakli's backing, a new Government was formed in August 1951 by Hasan al-Hakim who could not, however, agree with the attack on the proposals for a Middle East defence organization made by his Foreign Minister, Faidi al-Atasi. Hakim resigned and, in November, a period of muddle was resolved by another coup by Shishakli, as the result of which many of the politicians who had recently held office were imprisoned. At the end of 1951 Parliament was dissolved and Colonel Silu was appointed Chief of State *ad interim* and the government carried on by the senior civil servants.

In January 1952 the Muslim Brotherhood, and in April all political parties, were dissolved and the military rulers passed legislation to forbid students, trade unions, and sports clubs from taking part in any political activity. At the end of the year General Shishakli, now Vice-Premier and Chief of Staff, supported the formation of a new political party known as the Arab Liberation Movement, in the hope that parliamentary [642] life could gradually be restored. In the following summer (21 June 1953) he announced a new constitution on the presidential model, based on 'the aims and aspirations of the people', giving executive power to the President but 'permanent power of control' to the Chamber of Deputies. A referendum held on 10 July resulted in the adoption of the new constitution and the election for a period of five years of Shishakli as President and 666 Premier. A new electoral law, promulgated on 1 August, prepared the way for elections on 9 October, and at the beginning

[1] See Alford Carlton, 'Syria Today', *International Affairs*, January 1954.

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and a section of the Armenians, were able to maintain good relations with the Government. In general, what troubles occurred were no more than were inevitable in a period of transition.

Developments since 1941

In September 1941, General Catroux proclaimed the independence of Syria. His proclamation contained the following statement about minorities:

> Free France considers that the State of Syria forms politically and territorially an indivisible unity, of which the integrity ought to be preserved against any dismemberment. In consequence she will look with favour upon the strengthening of the political, cultural, and economic links which unite the different portions of Syria. To this end, the Delegate-General and Plenipotentiary of Free France will revise the texts defining the particular status formerly accorded to certain regions, in such a way that, while the administrative and financial autonomy to which they show themselves firmly attached is preserved, they shall be politically subordinated to the Syrian central power. Thus the principle of Syrian unity and the particular aspirations of these regions will be reconciled.
>
> It remains understood, moreover, that the guarantees of public right set out in the organic statutes in favour of individuals and of communities will be maintained and given full effect.[1]

In accordance with these principles, the two autonomous territories were re-attached to the rest of Syria. Thus, the first Government formed after the proclamation contained a Druze and an Alawi Minister; and in February 1942, the two provinces were once more formally annexed to Syria, with provisions for a special administrative and financial regime. In September 1944 the Administrative Council of Jebel Druze voted unanimously for the abrogation of its special regime and complete incorporation in the Syrian State.

In the summer of 1943, elections were held and subsequently a nationalist government took office. As formerly, the Chamber contained representatives of the minorities and the Cabinet a Christian minister. The Government made clear its intention of treating all members of the community on a footing of complete

[1] General Catroux's Proclamation of Syrian Independence, September 28, 1941. *Journal Officiel de la France Libre* (London), Première année, No. 13, December 9, 1941.

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THE CONSTITUTION OF SYRIA[1]

OF SEPTEMBER 5, 1950

PREAMBLE

642 We, the Representatives of the Syrian Arab People, meeting in a Constituent Assembly, by the will of God and the free wish of the people, declare that we have ordained this Constitution in order to achieve the following sacred aims:

To establish justice on firm foundations by strengthening the judicial power and strengthening its independence under a free democratic regime, so that the right of every individual shall be guaranteed without fear or discrimination.

To safeguard fundamental public freedoms for all citizens and to ensure the enjoyment of those freedoms under law and order, public freedoms being the most noble expressions of individuality, dignity and humanity.

To promote the spirit of brotherhood and social consciousness among citizens, so that every individual may feel that he is an integral part of the structure of the country and that the country is in need of him.

To strengthen the sense of duty towards the defense of the country, the Republic and the Constitution for whose maintenance every citizen should contribute his life, effort, wealth and knowledge.

To liberate citizens from the miseries of poverty, disease, ignorance and fear by establishing a sound economic and social system which achieves social justice, protects worker and peasant, offers security to the weak and the fearful and enables every citizen to have free access to the benefits of the country.

To guarantee equality in public duties and the rights proclaimed by the Constitution and confirmed by laws, especially taxation on a progressive basis, so that there may be equality in sacrifice and ability to contribute.

[1] English translation prepared by Dr. George J. Tomeh, Secretary, Syrian Legation, Washington.

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To develop, educate and protect the individual in order that every citizen may feel that he is responsible for the safety of the country and for its present and future; that the country is the immortal and eternal truth; that all Syrians are its guardians until they hand it over to their sons in dignity and high mindedness. This aim shall be achieved by giving the people a sound and patriotic culture, by providing widespread education and creating facilities for this purpose and by promoting the spirit of sacrifice for the good of the community.

And, whereas the majority of the people are believers in the Islamic religion, the Government declares its attachment to Islam, and its ideals.

We also declare that our people are determined to cement the ties of friendship and cooperation with the peoples of the Moslem and the Arab World, and to build their modern state on those sound ethical bases advocated by Islam and the other Theistic Religions and to combat atheism and moral decadence.

And, furthermore, we declare that our people is a part of the whole Arab nation, bound to it with its past, present and future, and is looking forward to the day when our Arab nation shall be united in one State. Our people shall, therefore, assiduously strive to fulfil this sacred desire in freedom and independence.

We finally declare that this Preamble is an indivisible part of this Constitution made to remind all citizens of the principles upon which their basic law is founded.

We, the Representatives of the Syrian Arab people, pray to Almighty God to preserve our nation and people, to guard against all calamities, to guide our steps so that our ideals may become living realities thus enabling us to restore the magnificence and glory which our great ancestors have built, and to inaugurate for our sons the path to dignity and splendor.

CHAPTER I

THE REPUBLIC OF SYRIA

Art. 1. (1) Syria is a fully sovereign Arab Republic with a democratic parliamentary regime.

(2) It constitutes an indivisible political unit. No part of its territory may be alienated or ceded.

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642 (3) The people of Syria is a part of the Arab nation.

Art. 2. (1) Sovereignty is vested in the people. No individual or group may claim it.

(2) Sovereignty is based on the principle of the rule of the people, by the people, for the people.

(3) The people shall exercise sovereignty within the forms defined by the Constitution and the limits assigned by it.

Art. 3. (1) The religion of the President of the Republic is Islam.

(2) Islamic law shall be the main source of legislation.

(3) Freedom of belief shall be guaranteed. The State shall respect all theistic religions and shall protect the free exercise of all forms of worship consistent with public order.

(4) Personal rights of religious communities shall be respected and observed.

Art. 4. Arabic is the official language.

Art. 5. Damascus is the capital of the Republic.

Art. 6. (1) The Syrian flag shall be composed as follows:

The length shall be double the height. It shall contain three bands of equal dimensions: the upper being green, then white and black respectively. The white portion of the flag shall bear three red stars in line, having five points each.

(2) The emblem of the Republic and its National Anthem shall be designated by a law.

Chapter II

Fundamental Principles

Art. 7. All citizens shall be equal before the law in obligations, rights, [illegible]y and social status.

Art. 8. The State shall guarantee freedom, security and equal opportunities for all citizens.

Art. 9. Everyone shall have the right to petition the courts within the limits of law. Trials shall be held in public unless the law provides otherwise.

Art. 10. Personal freedom shall be guaranteed.

(1) Everyone shall be presumed innocent until proved guilty by a verdict according to law.

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(2) No one may be investigated or kept in custody except in 642
accordance with an order or a warrant emanating from judicial authorities, or except in the case of *flagrante delicto* of committing an offence, or except for the purpose of bringing him before the judicial authorities on a charge of having committed a crime or a penal offence.

(3) No one shall be subjected to torture or degrading treatment. The penalty for contraventions of this provision shall be prescribed by law.

(4) Administrative authorities shall not have the right to arrest any person as a security measure except in accordance with a law passed in conjunction with the declaration of a state of emergency or martial law or war.

(5) Every person who is arrested or detained in custody shall be informed in writing within twenty-four hours of the grounds for such detention or arrest, and the legal text in accordance with which he was arrested; furthermore, he shall be brought before the judicial authorities within forty-eight hours of his arrest.

(6) Every person who is detained has the right, either personally or through a lawyer or a relative, by application to the appropriate judge to question the legality of his arrest. The judge shall consider the application without delay and may summon the officer who ordered the arrest and question him about the case. If he finds that the detention is unlawful, the detainee shall be released immediately.

(7) The right of defense shall be guaranteed throughout all the stages of investigation and legal proceedings before all courts and in conformity with the law.

(8) There shall not be established extraordinary criminal courts; a special procedure for trial in a state of emergency shall be prescribed.

(9) Nobody shall be tried by Military Courts except persons subject to military law. Exceptions to this rule shall be determined by law.

(10) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence

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642 under the law in effect when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the offence was committed.

(11) Every person against whom a final sentence was passed and executed shall have the right to demand indemnity for harm inflicted upon him should it be proved that the sentence was erroneous.

Art. 11. The prison is a place of punishment, but it is also a means to reform the criminal and to educate him properly. The law shall guarantee the implementation of this principle.

Art. 12. Dwellings shall be inviolable; no one may enter or search them except in the case of *flagrante delicto*, or by permission of their owners or in accordance with a judicial warrant.

Art. 13. Postal, telegraphic and telephonic communications shall be inviolable and may not be confiscated, delayed or censored, except as provided by law.

Art. 14 (1) The State shall guarantee freedom of opinion and all Syrians shall be entitled to express their views freely in writing, speeches, graphically, or by any other means of expression.

(2) No person shall be prosecuted on account of his opinions, except when he has transgressed the limits of the law.

Art. 15. (1) Freedom of the press and of printing shall be guaranteed within the limits of the law.

(2) Newspapers shall not be suspended nor shall their licenses be revoked, except in accordance with the law.

(3) In a state of emergency or of martial law, a limited censorship on matters related to public safety or national defense, may be imposed on newspapers, publications, books and broadcasts.

(4) The procedure for supervising the financial resources of the press shall be determined by law.

Art. 16. Syrians shall have the right to freedom of assembly and of peaceful demonstration without arms subject to the conditions laid down by law.

Art. 17. (1) Syrians shall have the right to form and belong to societies provided their objectives are not forbidden by law.

(2) The law shall determine the procedure for informing ad-

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ministrative authorities of the formation of societies and the supervision of their financial resources. 642

Art. 18. (1) Syrians shall have the right to form political parties provided their objectives are legitimate, their methods are peaceful and their regulations are democratic.

(2) The law shall determine the procedure for informing administrative authorities about the formation of such parties and the supervision of their financial resources.

Art. 19. (1) Syrians shall not be deported from their national territory.

(2) Every Syrian shall have the right to reside and move within the territory of Syria, unless forbidden to do so as a result of a judicial order or in execution of laws related to health and public safety.

Art. 20. (1) Refugees shall not be extradited because of their political beliefs or because of their defence of freedom.

(2) The extradition of ordinary criminals shall be determined by laws and international agreements.

Art. 21. Property is public and private.

(1) The State, legal persons and individuals have the right of ownership, subject to the limitations provided by the law.

(2) The law shall determine the conditions and limits of ownership by aliens.

(3) Private property shall be guaranteed. The law shall determine the means whereby the possession and disposal of property shall fulfil its social function.

(4) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

(5) Nobody shall be permitted to use private property in such a way as to conflict with public interest.

(6) Expropriation on grounds of public utility shall be allowed and shall be effected in accordance with a law giving the right to a fair compensation.

(7) Mines, minerals—solid, liquid, radiant, and similar substances—subterranean wealth, mineral waters, water falls, public

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642 forests and roads and all other sources of natural wealth are the property of the State.

(8) The law shall determine the conditions under which permits may be granted to explore for minerals and similar substances.

(9) The right to exploit minerals and similar substances shall be granted by a law provided considerations concerning the defence of the country and the safeguarding of its independence are given priority.

Art. 22. (1) In order to secure the most productive utilization of the land of the country, and in order to establish just social relationships among citizens, special legislation shall be enacted based on the following principles:

(a) The obligation to utilize the land shall be laid down and, if the land is neglected for a period of time to be fixed by law, one's right of user shall be forfeited.

(b) The maximum area of land that may be owned, exploited and disposed of, according to districts, shall be determined by a law provided that it shall not have a retroactive effect.

(c) Productivity shall be improved.

(d) Small and medium properties shall be encouraged.

(e) The State shall distribute among landless peasants, at a small cost to be paid by instalments, sufficient land to secure their livelihood.

(2) The State shall encourage the establishment of cooperative societies and supervise them.

(3) The State shall endeavor to build model villages and provide sanitary housing for peasants.

(4) A law to protect the peasant and to raise his standard of living shall be promulgated.

Art. 23. (1) General confiscation of property is forbidden.

(2) Special confiscation may not be imposed except in accordance with a judicial order.

(3) Special confiscation by law shall be permitted in cases of necessity in time of war or public catastrophes.

Art. 24. The State may, subject to payment of fair compensation, nationalize any institution or project on the grounds of public utility.

Art. 25. Taxes shall be levied on a just and progressive basis and in such a way as to ensure equality and social justice.

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Art. 26. (1) Work is the right of all citizens and a duty dictated by law. 642

It is the most important of the basic factors in social life. The State shall secure work for its citizens and guarantee it by directing and developing national economy.

(2) The State shall protect employment and enact for that purpose special legislation based on the following principles:

(a) To give the workers wages proportional to the volume and quality of their work.

(b) To limit working hours per week, and to grant workers weekly holidays and annual leave with pay.

(c) To establish special compensation of workers with large families and in cases of discharge, sickness, disability and accidents caused by work.

(d) to determine special conditions for the employment of women and adolescents.

(e) to ensure the compliance of factories with the rules of hygiene and sanitation.

(3) The State shall secure for workers sanitary housing through means to be defined by the law.

(4) The organization of trade unions shall be free, subject to the conditions laid down by law.

A trade union shall be considered as possessing juridical personality.

Art. 27. (1) Everyone has the right to be insured for himself and his family by the State against sickness, disability, orphanhood, old age and such unemployment as is beyond his control.

In order to realize this objective, social security shall be established in which the State, institutions and individuals shall cooperate to secure the necessary funds.

(2) The State shall protect the health of citizens, build for them hospitals, convalescent and maternity homes and shall facilitate means of treatment and care for pregnant women, nursing mothers and babies.

Art. 28. (1) Every citizen has the right to education and instruction.

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642 Primary education shall be compulsory, free and uniform in the State schools.

Private primary schools shall be required to apply the educational programs adopted by the State; they may teach such additional material as may be defined by law.

Secondary and vocational education shall be free in the State schools.

The law shall determine the obligatory subjects to be taught by private secondary schools in conformity with the educational program adopted by the State.

Religious instruction for each religion in accordance with its faith shall be compulsory in primary and secondary stages.

The State shall give priority in the budget for appropriations to spread primary, vocational and rural education and make it available to all. This shall be pursued in order to realize equality among Syrians, to establish national awakening on sound foundations and to facilitate the utilization of the land.

The State shall make higher education accessible and its institutions shall enjoy financial and administrative independence.

(2) Education shall be directed at creating a generation strong physically and mentally, believing in God, morality and virtue, proud of the Arab legacy, equipped with knowledge, conscious of its duties and rights, working for the public interest and full of the spirit of solidarity and brotherhood that should prevail among all citizens.

Any teaching that conflicts with the aims stated in the previous paragraph shall be forbidden.

(3) Education shall be directed at the full development of the human personality and fundamental freedoms.

(4) The State may supervise all institutions of learning in the country. The procedure for such supervision shall be determined by law.

(5) The State alone shall have the right to grant school certificates and to establish equivalent standards.

(6) The State shall adopt scout and youth movements and shall endeavour to strengthen, to protect and to promote them.

(7) In order to realize the aims of education and instruction and to bring into operation a stable educational policy, there shall

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be established a "Council of Education"; the law shall determine the number of its members, their qualifications and the procedure for appointing them. 642

The task of this Council shall be the purpose to propose plans and programs so that education in all its stages may achieve its objectives.

The Council of Education shall submit its reports to the Government.

(8) The State shall protect and promote the arts and sciences, and encourage scientific research.

(9) The State shall protect all historical sites, monuments and all objects that have an artistic, historical or cultural value.

Art. 29. Compulsory work shall not be imposed on anyone except in accordance with a law and in the following situations:

(1) To render cultural, constructional and health services.

(2) To combat public catastrophes.

(3) In a state of war and emergency.

Art. 30. (1) The defence of the country and of the Constitution is a sacred duty binding on all citizens.

(2) Military service is compulsory and shall be regulated by a special law.

(3) The army is the guardian of the country entrusted with the sole task of defending its frontiers and insuring its safety.

(4) There shall be established a "Council of National Defense."

A law shall determine its powers and the number of its members.

Art. 31. (1) The conditions for the acquisition of Syrian nationality shall be determined by law; special facilities shall be accorded to Syrian emigrants, their descendants and to citizens of the Arab countries.

(2) The legal status of aliens shall be defined by a law in accordance with international customs and international agreements.

Art. 32. (1) The family is the fundamental unit of society and is entitled to the protection of the State.

(2) The State shall protect and encourage marriage, and shall remove material and social obstacles that hinder it.

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642 Art. 33. (1) Every Syrian has the right of access to public service, subject to the conditions laid down by the law.

(2) Appointment to public offices, either temporary or permanent, in the State, the departments attached to it and its municipalities shall be effected by public competition. The law shall determine the exceptions to this rule.

Art. 34. Islamic wakfs belong exclusively to Moslems; they constitute one of the public institutions of the State and enjoy financial and administrative independence. Their status shall be regulated by law.

CHAPTER III

THE LEGISLATIVE POWER

642 Art. 35. The legislative power shall be exercised by the Chamber
646 of Deputies. Elections for this Chamber shall be public, secret, direct, uniform and in conformity with the provisions of the Electoral Law.

Art. 36. The duration of the Chamber shall be for a period of four years beginning from the date of the decree declaring the final results of elections; this period shall not be extended except by law in a state of war.

Art. 37. Every deputy shall represent the whole of the nation and may not accept any restriction on his mandate; he shall discharge his responsibilities guided by the dictates of his honour and conscience.

Art. 38. Electors are Syrian men and women who have completed the eighteenth year of their age, who are listed in the civil census register and who have all other qualifications specified in the Electoral Law.

Art. 39. Any Syrian *(Souri)* may stand for election as a deputy if he qualifies as an elector; provided that he is educated, has completed his thirtieth year of age and has fulfilled all other conditions specified by the Electoral Law.

Art. 40. The Electoral Law shall include provisions to guarantee the following:

(1) The validity of elections.

(2) The right of candidates to take part in the supervision of the electoral procedure.

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(3) The punishment of those who interfere with the will of electors.

Art. 41. (1) General elections shall take place within sixty days preceding the expiration of the term of the Chamber; if elections are not completed when the term of the Chamber expires, or are delayed for some reason, the Chamber of Deputies shall continue to function until the new Chamber is elected. In all cases, the authority of the Chamber of Deputies shall remain effective until the final results of the general elections are declared.

(2) If the Chamber of Deputies is dissolved, general elections shall take place within sixty days from the date of the decree dissolving the Chamber.

If elections are not held accordingly, the dissolved Chamber shall regain its full constitutional authority and shall convene immediately as though it had never been dissolved.

(3) Should general elections be delayed beyond the specified date, the Chamber shall investigate the reasons and determine the responsibility for such delay.

Art. 42. (1) The Chamber of Deputies shall be invited by a decree to convene within twenty days beginning from the second day of elections. If the necessary decree inviting the Chamber to convene is not promulgated, the Chamber shall definitely meet on the twenty-first day.

(2) The Chamber shall elect at the first meeting, its president and the members of its Bureau.

Art. 43. (1) The Chamber of Deputies shall be considered as being in permanent session.

(2) The Chamber shall definitely convene from October first until the end of December, and from March first until the middle of May.

(3) The President of the Chamber shall fix dates of meetings outside these two periods either by a decision of his Bureau, or upon a written request from a quarter of the deputies or from the Government.

Art. 44. Deputies shall not be prosecuted by civil or criminal courts for stating facts, expressing opinions or for voting in public and secret sessions or in committees.

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642 646 Art. 45. Deputies shall enjoy immunity while the Chamber is meeting; they shall not be liable to criminal prosecution, nor shall a criminal sentence be enforced against them without the assent of the Assembly, except in the case of *flagrante delicto* and, in such a case, the Chamber of Deputies shall be promptly informed.

Art. 46. Before assuming his duty, every deputy shall take publicly in the presence of the Assembly the following oath:

> "I swear by Almighty God to be loyal to the Constitution, to defend it, to maintain the independence of the country, the freedoms, interest, wealth and dignity of the people. I also swear to observe the laws of the country, to discharge my parliamentary responsibility in honor, truthfulness and sincerity and to work for the achievement of the unity of the Arab countries."

Art. 47. The remuneration of members of the Chamber shall be determined by a law.

Art. 48. (1) No deputy shall exploit his parliamentary office in any work.

(2) Incompatibilities between the office of a deputy and other functions shall be determined by law.

Art. 49. In the event of a vacancy occurring for some reason, the seat shall be filled within two months, provided the remaining period for mandate of the Chamber is not less than six months. The new member's term of office shall terminate with the mandate of the legislature.

Art. 50. The Chamber of Deputies shall have the right to grant a general amnesty for crimes committed before the amnesty was proposed, provided an absolute majority of the members of the Chamber vote for it.

Art. 51. Treaties affecting the safety of the State or its public finances, commercial agreements and, in general, every other treaty entered into for more than one year, shall not come finally into force except after being adopted by the Chamber.

Art. 52. The Chamber shall have the right at all times to form committees, or to delegate one or more of its members for investigation of any matter; ministers and all officers of the State shall co-

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operate by testifying, submitting documents and giving statements that may be asked of them. 642 646

Art. 53. (1) Every year at the opening of the October session, the Chamber, under the Presidency of its oldest member and the two youngest members acting as Secretaries, shall proceed immediately to elect a President and the members of its Bureau in accordance with the Rules of Procedure of the Chamber.

(2) The President of the Chamber of Deputies shall be elected by an absolute majority of the total number of the Deputies. A relative majority shall be sufficient at the second ballot.

Art. 54. (1) The President shall maintain order inside the Parliament.

(2) The Parliament shall have a special guard obeying the orders of the President. No armed forces may enter the Assembly buildings, nor be posted in their neighborhood, except at the demand of the President.

Art. 55. (1) The meetings of the Assembly shall be public.

(2) The Assembly may, however, decide to hold secret meetings to discuss specific matters at the request of the Government or of ten of its members.

Art. 56. (1) The Assembly cannot meet unless an absolute majority of the members composing it are present.

(2) The Rules of Procedure shall determine the responsibility of any member who does not attend a meeting without a reasonable excuse.

Art. 57. (1) Voting in the Chamber shall be conducted in accordance with the rules of Procedure.

(2) Deputies may only vote if they are present at a meeting.

(3) Elections shall be decided by secret ballot.

(4) Decisions shall be taken by the majority of those present and voting, except where otherwise provided by the Constitution or the Rules of Procedure. Should the votes be equal, the proposal under discussion shall be rejected.

Art. 58. (1) The President of the Republic, with the approval of the Cabinet, and every deputy shall have the right to introduce bills.

(2) Financial bills proposing to abolish or decrease a tax, or remit a part of it, or involving appropriations from the State budget

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642 646 to a certain project, or proposing the floating of a loan, its guarantee or payment, may only be introduced by the President of the Republic with the approval of the Cabinet, or by twenty deputies or more.

Art. 59. The Chamber of Deputies shall never abandon its legislative power.

Art. 60. No bill which has been rejected by the Chamber may be reintroduced before the lapse of six months.

Art. 61. (1) If the Chamber of Deputies passes a bill, the President of the Republic shall promulgate it within fifteen days from the date thereof.

(2) However, if an absolute majority of the members of the Chamber vote that a bill is of an urgent nature, the President of the Republic shall promulgate it within the time prescribed in it; if he fails to do so, the President of the Chamber shall then promulgate it immediately.

Art. 62. (1) Within the time allowed for promulgation, the President of the Republic may return to the Chamber non-urgent bills for reconsideration. This shall be done in accordance with a decree issued by the Cabinet and giving the justification thereof.

(2) Should the Chamber confirm its former vote by an absolute majority of its members, the law shall be promulgated immediately.

Art. 63. (1) If a quarter of the Deputies object to a bill as unconstitutional prior to its promulgation, or if the President of the Republic sends it to the Supreme Court for the same reason, such a bill shall not be promulgated until the Supreme Court gives its decision within ten days. If the bill is urgent, the Supreme Court shall decide within three days.

(2) If the Supreme Court decides that it conflicts with the Constitution, it shall be returned to the Chamber for rectification.

(3) Should the Supreme Court refrain from giving its decision within the period fixed in this Article, the President of the Republic shall promulgate the law.

Art. 64 (1) The Cabinet shall be represented in the meetings of the Chamber either by the Prime Minister or by some of the Ministers.

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(2) The Prime Minister and the Ministers may attend meetings of the Chamber, may address the Chamber and may obtain assistance and benefit from the experience of the officials of the Government during the debates. 642 646

(3) Any minister shall attend the meetings of the Chamber when asked by its President to do so.

Art. 65. Any member of the Chamber is entitled to introduce an interpellation, or to submit questions to the Government and to obtain a reply within the period fixed by the Rules of Procedure.

Art. 66. (1) The Rules of Procedure shall determine for the Chamber the method for conducting discussions, debates, interpellations, interrogations, voting, the powers of the office and the committees and all other work of the Chamber.

(2) The Rules of Procedure shall have the power of a law and shall not be amended except in accordance with their own provisions.

Art. 67 (1) The Chamber shall not consider a motion of non-confidence against the Cabinet or any one of its members unless presented by fifteen deputies or more, and shall not be discussed except two days after its presentation.

(2) If the absolute majority of the total number of the Deputies adopt a motion of non-confidence, the entire Cabinet shall resign.

(3) A Minister against whom a vote of non-confidence has been adopted by the Chamber shall resign.

Art. 68. The Chamber shall choose a committee to consider and investigate all petitions submitted by an individual or a group of citizens. The committee shall inquire into every complaint and shall inform the petitioner accordingly.

CHAPTER IV

THE EXECUTIVE POWER

Art. 69. The Executive Power shall be vested, on behalf of the People, in the President of the Republic and the Cabinet, within the limits assigned by this Constitution. 642 643

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I.

THE PRESIDENT OF THE REPUBLIC

642 Art. 70. The President of the Republic is the Chief of State.
643 The law shall determine the privileges and honors due to his office.

Art. 71. (1) The Chamber shall elect the President of the Republic by secret ballot.

(2) A two-thirds majority of the number of Deputies shall be necessary at the first ballot.

(3) An absolute majority shall be sufficient at the second ballot.

(4) A relative majority shall be sufficient at the third ballot.

Art. 72. No person shall be eligible for the Presidency of the Republic who does not fulfil the following conditions:

(1) He must have been a Syrian national for the last ten years.

(2) He must have all qualifications of eligibility for the Chamber of Deputies.

(3) He must have completed his fortieth year.

Art. 73. (1) The President shall hold office for a term of five years. He may be re-elected only after an interval of similar duration.

(2) If the period of office of the President expires simultaneously with that of the Chamber, the President of the Republic shall remain in office until a new Chamber is elected and meets. This additional period shall not exceed three months.

Art. 74. The offices of President of the Republic and of Deputy may not be held simultaneously.

Art. 75. Before assuming office, the President shall take, in the presence of the Chamber of Deputies, the following oath:

"I swear by Almighty God to observe the Constitution and laws of the country, to be loyal to the freedoms, the public good and the wealth of the people, and to the Republican Regime, and to strive to the best of my ability to safeguard the independence of the country, defend its territorial integrity and work for the achievement of the unity of the Arab countries."

Art. 76. One month at most and fifteen days at least before the

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expiration of the term of office of the President of the Republic, the Chamber shall elect a new President.

Art. 77. (1) The Government shall keep the President of the Republic advised of the development of international negotiations.

(2) The President shall conclude and sign treaties after their approval by the Chamber.

(3) The President shall accredit heads of Diplomatic Missions abroad and receive the representatives of foreign countries.

Art. 78. The President may call the Cabinet to meet under his chairmanship and order that a record of such meetings be made and preserved.

Art. 79. All instruments issued by the President, such as decrees, documents and letters concerning the affairs of State, with the exception of those relating to the appointment or resignation of the Prime Minister, must be countersigned by the Prime Minister and the Minister concerned.

Art. 80. The President shall sign the warrants of appointment of magistrates and officials who, according to the law, must be appointed by warrant. He shall also sign all decrees concerning organization and all other decrees which may be referred to him in accordance with the provisions of the law.

Art. 81. (1) If the President does not sign decrees or does not refer them to the Supreme Court within ten days of their transmission to him because they conflict with the Constitution or a law, the Prime Minister shall promulgate them and they shall be considered effective.

(2) If the Supreme Court does not decide on the decrees referred to it within ten days of their receipt, the Prime Minister shall promulgate them and they shall be considered effective.

(3) An exception shall be made of the decree dissolving the Chamber of Deputies which the President can reject without stating his reasons for so doing, and also the decrees confirming the death penalty.

Art. 82. The President shall have power to declare war and conclude peace, upon a decision of the Cabinet and after consultation with the Council of National Defense and the approval of the Chamber of Deputies.

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642 643 Art. 83. The President shall be Commander-in-Chief of the Army and Chairman of the Council of National Defense.

Art. 84. The President shall communicate with the Chamber of Deputies by means of messages addressed to the President of the Chamber.

Art. 85. (1) The President of the Republic may issue a decree dissolving the Chamber; such a decree must be taken by the Cabinet and state the grounds on which the dissolution was decided.

(2) The Chamber shall not be dissolved before the expiration of eighteen months of the date of its election.

(3) When the Chamber is dissolved the Cabinet shall resign and the President of the Republic shall appoint a cabinet of new members to supervise the elections.

Art. 86. (1) The President shall be held responsible for violating the Constitution and for high treason.

(2) He shall also be held responsible for ordinary offences.

(3) The President shall not be tried except by the Supreme Court.

(4) A motion to impeach the President and to try him by the Supreme Court shall only be discussed when a quarter of the number of Deputies submit a written request to the President of the Chamber giving the reasons for their motion. The request shall be referred, before its discussion, to the legal and constitutional committees meeting jointly. The two committees shall submit their report within three days of the receipt of the request.

A special session shall then be fixed to discuss the impeachment of the President.

No other business may be discussed during that meeting.

(5) For the impeachment of the President of the Republic in any circumstance whatsoever and his trial by the Supreme Court, the approval of the absolute majority of the total number of Deputies shall be required.

(6) When the President of the Republic is impeached, the Presidency shall be considered vacant until the Supreme Court shall have rendered its decision.

(7) A law of a constitutional nature shall determine the procedure for impeachment and trial by the Supreme Court.

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Art. 87. The President shall exercise the prerogatives of pardon. 642

Art. 88. (1) When the President of the Republic is unable to 643
discharge the duty of his office, the President of the Chamber of Deputies shall assume that duty provided he yields, during this time, the Presidency of the Chamber to its Vice President.

(2) Should the Presidency become vacant through the death or resignation of the President, the Chamber shall be summoned by its President within ten days therefrom for the purpose of electing the new President. Should it not be thus summoned, the Chamber shall meet of its own accord on the eleventh day.

(3) If the Chamber is dissolved at the time the vacancy occurs or two months only are left before its mandate expires, the President of the Chamber shall continue to assume the above-mentioned duties until the new Chamber meets.

Art. 89. The emoluments of the President shall be fixed by a law.

2.

THE CABINET

Art. 90. At the opening of each term of the Legislature, or after 642
the election of a new President of the Republic, or after a vote of 645
non-confidence for the Cabinet, or its resignation, or if the Presidency of the Cabinet becomes vacant for some reasons, the President of the Republic shall appoint a Prime Minister and upon the proposal of the Prime Minister the members of the Cabinet.

Art. 91. (1) The Cabinet shall submit its programme to the Chamber for a vote of confidence.

(2) A vote of confidence shall be considered granted if approved by a majority of the Deputies present.

Art. 92. (1) The Cabinet shall direct the policy of the State.

(2) The Cabinet shall meet, presided over by the Prime Minister, to consider the following matters:

(a) Bills
(b) Decrees concerning organization
(c) The State budget and the special budgets
(d) Internal and foreign policy
(e) Cases which the Prime Minister, or any Minister, with the approval of the former, submits to the Cabinet for consideration.

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(f) All other questions provided for by law.

(3) The decisions of the Cabinet shall be adopted by a majority of votes. Any opposing minister shall be considered as having approved of the decisions unless he resigns.

Art. 93. The organization of the Presidency of the Cabinet, the Cabinet and the powers of each Minister shall be determined by law.

Art. 94 (1) The Prime Minister shall direct the meetings of the Cabinet which he presides over.

(2) He shall harmonize the works among the various Ministries.

(3) He alone can ask for a vote of confidence for the Cabinet from the Chamber of Deputies.

(4) He may entrust some of his functions to one of the Ministers.

Art. 95. The President of the Republic, with the approval of the Cabinet, shall promulgate decrees necessary for the execution of various laws. These Decrees shall not repeal, exempt from the operation, or amend the provisions of the laws in question.

Art. 96. When the Cabinet resigns, or a motion of non-confidence is passed, the Ministers shall continue to discharge their responsibilities until a new Cabinet is formed.

Art. 97. No Minister while in office may directly or indirectly buy or rent anything which is the property of the State, even at a public auction. He may not participate in contracts for supplies entered into by public departments, or any institution attached to the Government or under its control, nor may he be on the board of any firm, or its agent or lawyer, or take part in any business.

Art. 98. The Ministers shall be jointly responsible to Parliament for the general policy of the Government. They shall be individually responsible in respect to matters arising in their respective departments.

Art. 99. The civil, financial and penal responsibility of the Ministers shall be determined by law.

Art. 100. A Minister shall leave office when indicted and until the Supreme Court shall have rendered its judgment. The Minister's resignation shall not prevent proceedings being taken or continued against him.

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Art. 101. The offices of a Deputy and a Minister may be held simultaneously. 642 645

Art. 102. The emoluments of the Prime Minister and the Ministers shall be fixed by a law.

Art. 103. (1) There shall be established a "Bureau of Inspection" attached to the Presidency of the Cabinet.

(2) This Bureau shall communicate to the Presidency of the Chamber copies of the reports of its inspectors and their conclusions together with its own observations.

(3) The classification of the members of this Bureau, their prerogatives and immunities shall be defined by a law.

CHAPTER V

THE JUDICIAL POWER

Art. 104. The Judiciary is an independent authority. 642

Art. 105. (1) Judges are independent. The only authority above them in the exercise of their power is Law. 692

(2) The honour of the judges and their moral conscience and integrity constitute a guarantee for the rights of the people and their freedoms.

Art. 106. Before assuming office a judge shall swear that he will mete out justice to the people and that he will observe the law.

Art. 107. Judgments shall be rendered in the name of the People of Syria and shall state the grounds on which they were reached.

Art. 108. Judicial powers shall be exercised by:

(1) The Supreme Court

(2) The High Court of Appeal

(3) All other Courts

Art. 109. All judges shall be appointed by a decision of the "Supreme Judiciary Council" and in accordance with the law.

Art. 110. The promotion of judges, their transfer, disciplinary measures to be taken against them and their dismissal shall be governed by a decision of the Supreme Judiciary Council in accordance with the law.

Art. 111. The institution of public prosecutions is a judicial function. It shall be headed by the Minister of Justice.

Art. 112. The public prosecutor shall be the guardian of justice,

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642 692 alert to enforce laws, to pursue those who violate them and to enforce penal sentences against them.

Art. 113. The appointment of public prosecutors, their promotion, their transfer, disciplinary measures to be taken against them, and their dismissal shall be fixed by law.

Art. 114. The classification of Civil and Military Courts, their grades and salaries of judges shall be fixed by a law.

Art. 115. The classification of clerks and officers of the Courts shall be fixed by a law. Their appointment, promotion and dismissal shall come under the jurisdiction of the Ministry of Justice.

I.

THE SUPREME COURT

Art. 116. (1) The Supreme Court shall consist of seven members elected by the Chamber of Deputies from a list containing fourteen names.

The President of the Republic shall select the candidates for this office from highly qualified individuals who have high university degrees and have completed the fortieth year of their age.

(2) Election shall take place in a special session of the Chamber of Deputies and within ten days of the receipt of the list by the Chamber. Each voting paper shall contain seven names.

(3) At the first ballot, he who receives an absolute majority of the total members of the Chamber shall be considered elected.

(4) At the second ballot, the majority of those present shall be sufficient.

(5) At the third ballot, a relative majority shall be sufficient.

Art. 117. Incompatibilities between the office of members of the Supreme Court and other functions shall be determined by law.

Art. 118. (1) A member of the Supreme Court shall be elected for a five-year term and may be re-elected.

(2) A member of the Supreme Court may not be dismissed except by virtue of a decree approved by four or more of its members.

Art. 119. The Supreme Court shall elect from its members and by a vote of its absolute majority a President for a five-year term.

Art. 120. (1) Should a seat in the Supreme Court become vacant

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for some reason, the Chamber of Deputies shall elect a successor from a list containing three times the number of vacancies. The President of the Republic shall select that list.

(2) Selection and election shall be made in accordance with the stipulations of Article 116 hereof.

Art. 121. Before entering into office, the President and members of the Supreme Court shall take solemnly in the presence of the Chamber of Deputies and in a special session attended by the President of the Republic the following oath:

"I swear by Almighty God to observe the Constitution and laws of the country and to discharge my duties in equity and integrity."

Art. 122. (1) The Supreme Court shall consider and decide definitively on the following matters:

(a) The constitutionality of laws referred to it in accordance with Article 63.

(b) The constitutionality and legality of draft decrees referred to it from the President of the Republic.

(c) The impeachment of the President of the Republic and of the Ministers.

(d) Petitions against the validity of elections.

(e) Petitions to suspend or to nullify administrative acts, decisions or decrees inconsistent with the Constitution, with laws, or with organizational decrees, when such petitions are submitted by individuals who may suffer loss from the application thereof.

(2) The procedure for investigating and deciding on the hereinbefore mentioned matters shall be determined by law.

2.

THE SUPREME JUDICIAL COUNCIL

Art. 123. The Supreme Judicial Council shall be formed of seven members as follows:

(a) The Chief Justice of the Supreme Court as President.

(b) Two members of the Supreme Court.

(c) The four highest ranking judges from the High Court of Appeal.

Art. 124. (1) The President of the Supreme Judicial Council

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642 shall propose to this Council the nomination, promotion, transfer,
692 dismissal of judges and disciplinary measures to be taken against any of them when necessary in accordance with law. The Council shall decide on such proposals by a vote to be taken by its absolute majority.

(2) The President shall draft and sign decrees upon decisions taken by the Supreme Judicial Council, and refer such decrees to the Minister of Justice in accordance with the stipulations of Article 80 hereof.

Art. 125. The Supreme Judicial Council shall propose bills concerning the immunity of judges, the procedure for their appointment, promotion, transfer, dismissal and disciplinary measures against them.

CHAPTER VI

ADMINISTRATIVE DIVISIONS

642 Art. 126. The Republic of Syria shall be divided into Muh-
631 afazats; their number, sub-divisions and boundaries shall be determined by a law.

Art. 127. Laws shall be based on the principle of decentralization for heads of administrative units and chiefs of departments in the Capital and in the Muhafazats.

Art. 128. (1) There shall be established a Council in each Muhafazat; three-quarters of its members shall be elected and the other quarter shall be appointed.

(2) The term of the Council, the number and eligibility of its members, and its electoral procedure shall be determined by law.

(3) The Muhafazat Council shall elect its President and an Executive Secretariat whose term of office, powers and procedure shall be determined by law.

Art. 129. The main tasks of the Muhafazat Council shall be to contribute towards promoting the following objectives:

(1) To fight disease by expanding free medical care and by protecting motherhood and childhood.

(2) To combat ignorance by establishing nurseries, primary, elementary and vocational schools, by teaching illiterates and by promoting education.

(3) To secure potable waters in villages and cities. To open local roads and to spread the use of electricity.

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(4) To define the limits of municipal districts in the Muhafazats. 642 631

(5) To institute and organize exhibitions.

(6) To encourage tourism, summer resorts and to supervise hotels.

(7) To organize local communications.

(8) To utilize mineral waters.

(9) To promote a forestation and planting of trees.

(10) To protect beneficiary works and contribute to them.

(11) To organize and exploit hunting and fishing in the sea and rivers.

Art. 130. (1) The special revenues of the Muhafazat necessary for the implementation of its projects shall consist of—

(a) A percentage to be determined by law, such percentage to be taken from general taxes collected in the Muhafazat or added thereto.

(b) Local duties which the Muhafazat Council shall impose within the limits of law. These duties shall in no way delay the movement of persons or the transfer of capital between the various Muhafazats and shall not restrict the right of citizens to practice their professions and perform their work in the country.

(2) The special accountability of the Councils of the Muhafazats shall be regulated by a law.

Art. 131. The Muhafazat Council shall determine disbursements in questions falling under its jurisdiction.

Art. 132. The Rules of Procedure for the Councils of the Muhafazats, adoption of decisions and supervision of their actions shall be determined by law.

CHAPTER VII

FINANCES

Art. 133. (1) The Government shall prepare the general budget. 642

(2) The Chamber of Deputies alone shall have the right to adopt it. 652

Art. 134. (1) There shall be for each fiscal year one general budget containing the receipts and expenditures. No special, independent or additional budget may be created except by virtue of a law.

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(2) The Government may, when necessary, submit the project of an extraordinary budget for more than one year including extraordinary receipts and expenditures. Such a budget shall not come into force except when approved by the Chamber of Deputies.

Art. 135. The procedure for organizing, approving, implementing and closing the accounts of local budgets shall be determined by a law.

Art. 136. (1) The beginning of a fiscal year shall be fixed by a law.

(2) Three months at least before the beginning of each fiscal year, the Government shall submit to the Chamber of Deputies a project for the general budget of that year.

Art. 137. The Deputies shall vote on ordinary and extraordinary budgets article by article.

Art. 138. (1) The budget law shall include only pure financial provisions.

(2) No taxes shall be levied or services created which may necessitate new expenditures in the budget law.

(3) The provisions of the budget law shall only be implemented within the fiscal year for which that budget was designated.

Art. 139. (1) During the discussion of the budget the Chamber may not increase the proposed total of receipts and expenditures.

(2) The budget committee shall be entitled to modify the project of the budget provided consideration is taken of paragraph one of this Article.

(3) The Deputies shall not propose an increase in expenditure or the creation of a new item of expenditure once the budget committee completes its report on the project of the budget.

(4) After approving the budget, the Chamber of Deputies may adopt laws approving further expenditures and creating new receipts to meet them.

Art. 140. If the Chamber of Deputies has not given a final decision on the project of the budget before the beginning of the fiscal year for which that budget was designated, provisional monthly credits, calculated on the basis of one-twelfth of the preceding fiscal year, shall be opened in virtue of a decree taken by the Council of

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Ministers. During this period, income shall be collected in conformity with the laws in force at the end of the previous fiscal year. 642 652

Art. 141. (1) The Government shall not exceed in expenditure the maximum limit estimated for each public administration. The budget law must not include a provision enabling the Government to exceed that limit.

(2) No new, additional or transferred credits shall be opened except by virtue of a law.

Art. 142. The final accounts for the fiscal year shall be submitted to the Chamber of Deputies within a time limit not exceeding two years reckoned from the end of the budgetary year in question. These accounts shall be closed by virtue of a law.

Art. 143. (1) Taxes shall be levied only for purposes of common utility.

(2) Taxes shall be fixed in currency. The law shall not impose a tax in kind except under extraordinary circumstances.

Art. 144. (1) No taxes may be levied, modified or abolished except by virtue of a law.

(2) No person may be exempted from the whole or part of a tax except in cases determined by law.

(3) No person may be required to pay a tax except in accordance with the method described by law.

Art. 145. (1) No public or private loan may be contracted except by virtue of a law determining its conditions, the rate of interest and the method of repayment.

(2) The Government shall not grant or guarantee a loan except by virtue of a law.

(3) The procedure for tenders and contracts involving a charge upon public funds shall be determined by a law.

Art. 146. No monopoly or concession to exploit any of the natural resources of the country, or any service of a public utility, may be granted except by virtue of a law and only for a limited period.

Art. 147. (1) A Board of Auditors shall, on behalf of the Chamber of Deputies, examine the accounts of the Government and submit to the Chamber a general report containing its views and observations and indicating any violations committed and fixing the responsibility for them.

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642 652 (2) The Chamber of Deputies shall elect the members of the Board of Auditors by an absolute majority of the Deputies present. If such a majority is not obtained, a relative majority shall be sufficient at the second ballot. The election shall be made from a list of candidates prepared by the office of the Chamber containing double the number of vacancies for the Board.

(3) This Board shall be attached directly to the Chamber of Deputies.

(4) The office of the Chamber of Deputies shall draft a bill determining the classification, prerogatives and immunities of the members of the Auditing Board as well as the method of auditing.

(5) The budget of the Board of Auditors shall be a part of the budget of the Chamber of Deputies.

Art. 148. The Chamber of Deputies may charge the Auditing Board with any audit of or studies concerning receipts and expenditure or the administration of the budget.

Art. 149. Once or more each year, the Government shall submit to the Chamber of Deputies a report on the financial situation of the State.

Art. 150. The monetary system shall be regulated by a law.

CHAPTER VIII

ECONOMIC AFFAIRS

642 634 Art. 151. The State shall supervise and organize the national economy in order to secure a high standard of living for the people by utilizing the land, promoting industry and trade and providing work for all citizens.

Art. 152. (1) There shall be established in the State a permanent Economic Council entrusted with the task of proposing economic plans and programs to develop the potentialities of the country in the various economic fields.

(2) The Council shall submit its reports and the results of its work to the Government and to the Chamber of Deputies.

(3) The number of the members of the Economic Council and the procedure for selecting them shall be determined by a law in such a way as to ensure the realization of its task.

Art. 153. Institutions enjoying financial and administrative inde-

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pendence may be created for the execution and administration of specific projects. This shall be in accordance with a law determining the number of the members of such institutions, the method of selecting them and supervising their work.

Art. 154. Funds which the Government may spend on irrigation and land development projects shall be repaid by those who benefit from them in such periods of time proportional to their financial ability as shall be defined by law.

CHAPTER IX

AMENDMENT OF THE CONSTITUTION

Art. 155. (1) The President of the Republic, with the assent of the Council of Ministers, as well as the Deputies may request the amendment of one or more of the Articles of the Constitution provided:

(a) The request for amendment shall specify the Articles which it is desired to amend and the reasons for such amendment.

(b) If the request is submitted by Deputies, one-third or more of their total number must sign the application.

(c) The Chamber shall discuss the request for amendment which shall be adopted only when an absolute majority of the total number of Deputies vote in its favor. If rejected, such a rejection shall be considered final. A request to amend the same Articles again may not be presented within one year.

(d) If an absolute majority of the total number of Deputies approve of the request for amendment, such an approval shall be considered as a motion for amendment.

(e) Six months after the adoption of a motion of amendment, the Chamber of Deputies shall discuss the amendment proposed. The amendment shall be adopted and become effective if two-thirds of the total number of Deputies vote for it.

(2) The Deputies shall take a new oath of allegiance to the amended Constitution within two weeks of its adoption.

CHAPTER X

TRANSITORY PROVISIONS

Art. 156. This Constitution shall not be amended before two years of its execution.

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642 Art. 157. There shall be issued within six months of the execution of this Constitution a law defining the duties of the President of the Republic, the Ministers and the procedure for their impeachment.

Art. 158. (1) The Government shall take necessary steps for the settlement of the Bedouins.

(2) A special law shall be issued taking into consideration the tribal traditions among nomadic tribes and specifying the tribes that shall come within its provisions until such time as their settlement is achieved.

(3) A special program shall be instituted to secure the settlement of Bedouins gradually. This program, together with the appropriations necessary for its implementation, shall be ascertained by law.

(4) The Electoral Law shall include special provisions concerning the conduct of elections among Bedouins and shall take into consideration their civil registration and the voting procedure.

Art. 159. (1) Primary education shall be made available in all parts of the State within ten years at most of the execution of this Constitution.

(2) A detailed program, to be executed by degrees, shall be initiated for that purpose. This program, with the necessary appropriations for its implementation, shall be ascertained by law.

(3) All governments that may come to power within the period specified above shall be bound to implement the program initiated for the achievement of this objective.

Art. 160. (1) Illiteracy must be eradicated in the country within ten years at the most of the coming into force of the provisions of this Constitution.

(2) A detailed program shall be instituted for this purpose. This program, with the necessary appropriations for its implementation, shall be ascertained by law.

(3) All governments that may come to power within the period specified above shall be bound to execute the program for the achievement of this objective.

Art. 161. Within two years of the execution of this Constitution,

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the Civil Census Register shall be organized and all citizens shall be duly registered. 642

Art. 162. (1) After the adoption of this Constitution, the Chamber of Deputies shall immediately elect from its members a special committee, which may obtain assistance from a sufficient number of specialists and experts, to introduce the necessary bills in order to coordinate existing legislation with the provisions of this Constitution.

(2) The Chamber of Deputies and this Commitee shall achieve this task within two years of the adoption of this Constitution.

Art. 163. Existing legislation which may be inconsistent with this Constitution shall remain temporarily effective until amended in conformity with the provisions of this Constitution.

Art. 164. (1) The constituent status of the present Assembly shall be terminated immediately upon the adoption of this Constitution. The Assembly shall then become a Chamber of Deputies which shall exercise the powers set forth in this Constitution; its period of mandate shall start with January first 1949.

(2) The Office of the Constituent Assembly shall continue its work until a new office is elected in accordance with Article 53 of this Constitution.

Art. 165. For the first election of the Supreme Court, the President of the Republic shall submit, within four months of his election, a list of candidates nominated by him in accordance with Article 116.

Art. 166. This Constitution shall become effective following its adoption and shall be promulgated by the President of the Constituent Assembly.

421 of agriculture are the present forms of land
433 tenure. The proportion of large- and small-scale proprietors is not accurately known, but at least one half of the total farm acreage is owned by wealthy, and often absentee, landlords, and worked according to the share-tenancy system. In many northern districts, particularly in Latakia and Al Jazira provinces, the proportion is probably closer to 70 to 80 per cent. Communal ownership by tribes or villages is also com-
642 mon in some areas. The constitution of
656 Syria provides for the creation of a landowning peasantry through the redistribution and the sale of state lands, but as yet the percentage of independent farmers is
[511] relatively small. Many tenant families and agricultural laborers live at subsistence levels under conditions of extreme poverty.
360 Within recent years attempts have been
166 made to encourage the settlement of the Bedouin tribes. Some now live in permanent villages, where they combine cultivation of cereals with the raising of sheep, migrating seasonally with their flocks in search of pasturage.

241 Wheat is the principal crop. Barley, maize and other cereals are also grown, especially in the areas of Homs, Hama, Hauran and Al Jazira. Olives, fruits and vegetables are important products on the oasis around Damascus and in the coastal region. Cotton is cultivated in Latakia, Aleppo and Al Jazira provinces, while tobacco flourishes in some sections of Latakia. Other industrial crops include sugar cane, sugar beets, sesame, castor oil beans and hemp. Sheep and goats are abundant in all parts of the country, but cattle are found chiefly in the coastal highlands, on the Damascus oasis and in the Hauran region in the southwest.
654 Limited programs for the improvement of methods of farming and animal husbandry are undertaken by the veterinary and the agricultural services of the government.
874 Four agricultural schools are operated by the Ministry of Agriculture—near Latakia, Hama, Aleppo and Damascus. In the Damascus region, the Near East Foundation

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SILICOSIS AND BENIGN PNEUMOCONIOSIS ARE among the most important occupational diseases, but recognized cases are relatively few in number.

The smoking of *Cannabis indica* (hashish) and other types of drug addiction were formerly common. Within recent years they have been combated with some success by restrictive regulations and educational propaganda.

SUMMARY

Modern Syria, an independent republic since 1943, encompasses three of the former Levant states—Syria, Latakia and Jebel ed Druz. It has a population of slightly less than 3.2 million which is predominantly Moslem and Arab, but which includes several important religious and racial minority groups. Over three quarters of the inhabitants live in the western and the northwestern provinces which form the western arm of the so-called "Fertile Crescent."

The Ministry of Health (and Public Assistance), with headquarters in Damascus, is responsible for the health and the medical care of the population. Subordinate provincial health departments carry on the activities of the Ministry in each of the 9 *muhafazats*, or provinces. Autonomous municipal organizations function in Damascus, Aleppo, Homs and Hama. A limited number of philanthropic, mission and international agencies carry on health services in close co-operation with the Ministry. In 1951 there were 47 hospitals in Syria, with an aggregate capacity of 2,255 beds—approximately 0.7 beds per 1,000 inhabitants. Of this number, 22 hospitals, with 1,525 beds, were supported by the government, and the remainder by private organizations. In the same year, the Ministry maintained 111 clinics and dispensaries scattered throughout the country, including 3 maternity and child welfare centers, 7 mobile dispensaries and 6 mobile units for the treatment of specific diseases.

Water supplies are usually deficient, ex-